

Exhibit C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
MARIO GOMEZ,

Plaintiff,

-against- 07 CIV. 9310
(CLB) (GAY)

VILLAGE OF SLEEPY HOLLOW, DETECTIVE JOSE QUINOY in his individual and official capacity, POLICE OFFICER ELDRYK EBEL in his individual and official capacity, POLICE OFFICER MIKE GASKER in his individual and official capacity, POLICE OFFICER RICHARD D'ALLESANDRO in his individual and official capacity, LIEUTENANT BARRY CAMPBELL in his individual and official capacity, LIEUTENANT GABRIEL HAYES in his individual and official capacity, SERGEANT HOOD in his individual and official capacity, CHIEF OF POLICE JIMMY WARREN in his individual and official capacity, and POLICES OFFICERS JOHN DOES 1-4,

Defendants.

----- X
HELD AT: Young & Bartlett, LLP
81 Main Street Suite 118
White Plains, New York 10601
February 14, 2008 10:15 a.m.

Examination before Trial of the Plaintiff, MARIO GOMEZ, pursuant to Court Order, held at the above time and place before a Notary Public of the State of New York.

J & L REPORTING SERVICE
of Westchester, Inc.
200 East Post Road
White Plains, New York 10601
(914) 682-1888
Nancy P. Tendy, Reporter

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that the sealing and filing of the within deposition be waived; that such deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED, that all objections, except as to form, are reserved to the time of trial.

A P P E A R A N C E S :

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Mario Gomez
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BY: FRANK YOUNG, JR., ESQUIRE

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Attorneys for all Defendants
Office & Post Office Address
The Esposito Building
240 Mineola Boulevard
Mineola, New York 11501
BY: JENNIFER E. SHERVEN, ESQ.

1 M. GOMEZ
2 MARIO GOMEZ, residing at 100
3 Main Street, Apt. 3A,
4 Irvington, New York 10533-1754,
5 having been duly sworn by
6 Notary Public, Nancy P. Tendy
7 testified as follows:
8 EXAMINATION BY
9 MS. SHERVEN:
10 Q. Good morning, Mr. Gomez.
11 A. Good morning.
12 Q. As you may remember we met
13 before at the 50-h Hearing that was held
14 previously in this case. I'm an attorney
15 with Miranda, Sokoloff, Sambursky, Slone &
16 Verveniotis, and we represent the Defendants
17 in this Federal action that you have filed.
18 We are here today so that I can
19 ask you some questions in this Qualified
20 Immunity Deposition. Now, please respond
21 verbally to all of my questions. As you
22 know, the Court Reporter has to take down
23 everything that is said here so that we have
24 a record. So, please, don't nod your head.
25 Just answer every question verbally, okay.

	5		7
1	M. GOMEZ	1	M. GOMEZ
2	A. Yes.	2	medications that could affect your ability
3	Q. If at any time you do not	3	to testify, any prescriptions that you
4	understand my questions, please let me know	4	typically take that the failure to take
5	and I'll rephrase the questions so that you	5	could affect your ability to testify?
6	do understand.	6	A. No.
7	If at any time you need to take	7	Q. In the last twenty-four hours
8	a break, let me know, and we can do so with	8	have you consumed any alcohol?
9	the exception that I'll ask if I have a	9	A. No.
10	question pending that you please answer the	10	Q. In the last twenty-four hours
11	question and then we can take a break, okay.	11	have you consumed any illegal drugs?
12	A. Sure.	12	A. No.
13	Q. Do you have any physical or	13	Q. In preparation for your
14	mental conditions that could interfere with	14	testimony here, today, did you review any
15	your ability to testify accurately here,	15	documents?
16	today?	16	A. No. Basically I have a copy of
17	A. No.	17	that 50-h Hearing that we did a year ago,
18	Q. In the last twenty-four hours	18	and I reviewed a little bit of that.
19	have you taken any prescription medication	19	Q. Other than that transcript, did
20	that could interfere with your ability to	20	you review anything else?
21	testify?	21	A. No, nothing else, nothing.
22	A. Well, I had taken prescription	22	Q. I'm just going to, I know it's
23	medication, but it would not interfere.	23	hard in normal conversation we talk over
24	Q. Okay. What prescription	24	each other, but please let me finish my
25	medications have you taken?	25	question before you answer even if you think

	6		8
1	M. GOMEZ	1	M. GOMEZ
2	A. Topamax.	2	you know what I'm going to say. That way we
3	Q. That's a pain medication?	3	have the complete record.
4	A. That's for the headaches.	4	A. Sorry.
5	Q. Any other medication that	5	Q. That's okay. In preparation
6	you've taken in the last twenty-four hours?	6	for today, did you meet with your attorney?
7	A. And Lexapro.	7	A. Yes.
8	Q. What is the Lexapro for?	8	Q. Other than yourself and your
9	A. I was prescribed that. I	9	attorney, was anyone else present?
10	thought I had a heart attack, and it was a	10	A. No.
11	panic attack so.	11	Q. In preparation for your
12	Q. Which doctor prescribed those	12	testimony today, did you review any
13	two medications for you or doctors?	13	videotapes?
14	A. Doctor Schwartz is my	14	A. No.
15	neurologist, and Doctor Soto.	15	Q. Other than your attorney, did
16	MR. YOUNG: One second. Let me	16	you speak with anyone concerning your
17	just step outside.	17	testimony here, today?
18	(Whereupon, a discussion was	18	A. No.
19	held off the record outside of the	19	Q. What is your current address?
20	room.)	20	A. 100 Main Street, Apartment 3A,
21	Q. Would either of those	21	letter A as in apple in Irvington, New York.
22	medications interfere with your ability to	22	Q. How long have you lived at that
23	testify here, today?	23	address?
24	A. No.	24	A. About seven months, eight
25	Q. Did you fail to take any	25	months, around there.

<p style="text-align: center;">9</p> <p>1 M. GOMEZ</p> <p>2 Q. Who did you live with at that</p> <p>3 address if anyone?</p> <p>4 A. By myself.</p> <p>5 Q. What was your address before</p> <p>6 you moved to 100 Main Street?</p> <p>7 A. You want me to say it?</p> <p>8 Q. Yes, please.</p> <p>9 A. 100 -- I mean I'm sorry 1 River</p> <p>10 Plaza, Apartment 4E, Tarrytown, New York.</p> <p>11 10591 is the zip code.</p> <p>12 Q. Is that where you were living</p> <p>13 as of October 2006?</p> <p>14 A. Yes.</p> <p>15 Q. Who did you live with at that</p> <p>16 address?</p> <p>17 A. With my wife and my three</p> <p>18 daughters.</p> <p>19 Q. I was going to say did all</p> <p>20 three of your daughters live there, or a</p> <p>21 couple of them were away at school at that</p> <p>22 time?</p> <p>23 A. Well, one was away at school at</p> <p>24 that time.</p> <p>25 Q. Just for the record, what is</p>	<p style="text-align: center;">11</p> <p>1 M. GOMEZ</p> <p>2 Q. What is her date of birth?</p> <p>3 A. July 13, 1984.</p> <p>4 Q. Is she your oldest daughter?</p> <p>5 A. Yes.</p> <p>6 Q. Which one is your middle</p> <p>7 daughter?</p> <p>8 A. Stephanie Gomez.</p> <p>9 Q. What's her date of birth?</p> <p>10 A. January 19, 1988.</p> <p>11 Q. And your youngest daughter?</p> <p>12 A. Bridget.</p> <p>13 Q. What's her date of birth?</p> <p>14 A. August 15, '89.</p> <p>15 Q. Where is Awilda Gomez currently</p> <p>16 living?</p> <p>17 A. On the River Plaza address, the</p> <p>18 Tarrytown address.</p> <p>19 Q. Are any of your daughters</p> <p>20 currently living there with her?</p> <p>21 A. Yes, my oldest daughter.</p> <p>22 Q. Haydee?</p> <p>23 A. Yes. The other two are away at</p> <p>24 school.</p> <p>25 Q. Mr. Gomez, are you currently</p>
<p style="text-align: center;">10</p> <p>1 M. GOMEZ</p> <p>2 your wife's name?</p> <p>3 A. Awilda.</p> <p>4 Q. Gomez?</p> <p>5 A. Gomez.</p> <p>6 Q. What is her maiden name?</p> <p>7 A. Cadet C-A-D-E-T.</p> <p>8 Q. You're legally married to her?</p> <p>9 A. Yes.</p> <p>10 Q. What was the date of your</p> <p>11 marriage?</p> <p>12 A. August 23, 1985.</p> <p>13 Q. You have three children with</p> <p>14 Awilda Gomez?</p> <p>15 A. Yes.</p> <p>16 Q. What are their names again for</p> <p>17 the record?</p> <p>18 A. Haydee Gomez, Haydee -- I'm not</p> <p>19 going to -- you don't want the middle names</p> <p>20 or anything like that?</p> <p>21 Q. No, that's fine. If you could</p> <p>22 give us their date of births that would be</p> <p>23 helpful?</p> <p>24 A. Do you want me to spell Haydee</p> <p>25 for you? H-A-Y-D-E-E.</p>	<p style="text-align: center;">12</p> <p>1 M. GOMEZ</p> <p>2 working?</p> <p>3 A. No.</p> <p>4 Q. You are retired; is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Since October of 2006 until the</p> <p>8 present time, have you been employed in any</p> <p>9 capacity?</p> <p>10 A. No.</p> <p>11 Q. Have you ever been convicted of</p> <p>12 a crime?</p> <p>13 A. No.</p> <p>14 Q. What is the date of your arrest</p> <p>15 in Sleepy Hollow that is the subject of this</p> <p>16 lawsuit?</p> <p>17 A. 10-17 or 10-16, 2006.</p> <p>18 Q. Do you remember what day of the</p> <p>19 week that was?</p> <p>20 A. Tuesday, Tuesday night.</p> <p>21 Q. In the twenty-four hours before</p> <p>22 your arrest, had you consumed any alcohol?</p> <p>23 A. No.</p> <p>24 Q. In the twenty-four hours before</p> <p>25 your arrest, had you consumed any illegal</p>

	13		15
1	M. GOMEZ	1	M. GOMEZ
2	drugs?	2	A. No. That's the neurologist
3	A. No.	3	after the incident.
4	Q. In the twenty-four hours before	4	Q. Who was that doctor then?
5	your arrest, did you fail to take any	5	A. Doctor Chia.
6	medications that you typically were taking	6	Q. Could you spell that?
7	at that time?	7	A. It's David is the first name,
8	A. No. I was prescribed	8	and Chia is C-H-I-A.
9	medication, but I was a hundred percent.	9	Q. Other than medication for what
10	Q. You had taken the medication	10	you told us was depression, did your
11	that you were prescribed at that time?	11	psychiatrist prescribe any other medication
12	A. Yes.	12	at that time?
13	Q. What medication were you taking	13	A. I think he prescribed -- he had
14	as of October 17, 2006, or the types of the	14	switched up and down I think ever since that
15	medication if you don't recall the exact	15	I was hospitalized because due to the
16	name?	16	Hepatitis C, due to that I was hurt in the
17	A. I don't recall. I don't recall	17	line of duty in the Corrections Department
18	the exact names. I would have to look.	18	in Riker's Island, and during the incidents
19	Q. Do you recall what the	19	that arise in the 1980's, I've been seeing
20	medications were for generally?	20	the psychiatrist --
21	A. Well, I was going to my	21	Q. Let me just stop you there and
22	psychiatrist.	22	just ask you to just to answer the question.
23	Q. Had the psychiatrist prescribed	23	A. Well, no, I'm giving you my
24	any medication?	24	answer.
25	A. Yes. I was prescribed some	25	MR. YOUNG: No. No. Hold on.
	14		16
1	M. GOMEZ	1	M. GOMEZ
2	medication, because remember the problem	2	Q. We don't want to be here all
3	that I had talked to you about the	3	day.
4	depression, and I find out I had hepatitis	4	A. No, I know. That's my answer.
5	C. I was taking a lot of medication for the	5	I have to give you the explanation why I'm
6	liver. I was taking a whole combined	6	taking all those medications.
7	different medication. And I had the problem	7	Q. Actually, right now I'm not
8	with the liver, the hepatitis C. And I was	8	asking you why, though.
9	taking medication for that over a year. And	9	MR. YOUNG: Don't worry, we'll
10	I did that twice for two years as a matter	10	get to that, you and I will get to
11	of fact.	11	that later.
12	I had taken so much medications	12	Q. We'll get to that. And I
13	that, you know, it's not really that I can	13	appreciate that you're being forthright and
14	remember all of them really, you know.	14	trying to give us as much information. But
15	Q. What was the name of your	15	right now, I just want to have you answer
16	psychiatrist as of October 2006?	16	the specific question as to what medications
17	A. Doctor Soto.	17	the psychiatrist had prescribed at that time
18	Q. The same doctor that you've	18	or for what condition?
19	said before?	19	A. I have no idea. I would have
20	A. The same doctor, yes.	20	to check on that. He goes up and down.
21	Q. The doctor who prescribed the	21	Ever since I was hospitalized. I've been
22	medication for your hepatitis C and other	22	seeing him like once a month.
23	problems associated with that condition, was	23	MR. YOUNG: Okay, your answer
24	that Doctor Schwartz that had prescribed	24	is you don't know, so that's fine.
25	those medications?	25	They'll get his records. They'll

	17		19
1	M. GOMEZ	1	M. GOMEZ
2	find out that way.	2	Detective Quinoy?
3	Q. At the time of your arrest, where were you?	3	MR. YOUNG: Off the record.
-	A. Home.	4	(Off-the-record discussion.)
6	MR. YOUNG: Listen to the question again. At the time of your arrest.	5	MR. YOUNG: This is a Qualified
7		6	Immunity Deposition, and I think
8		7	there are parameters to the deposition.
9	Q. At the time of the arrest when you were arrested in the Village of Sleepy Hollow, where were you physically?	8	
10		9	The Defendants have already had
11		10	two extensive days of deposition
12	A. On the street in Beekman Avenue.	11	testimony in the form of a 50-h
13		12	Hearing, so there's no secret as to
14	Q. Is that in front of the Sleepy Hollow Police Department?	13	what happened here.
15		14	I just ask that Counsel be
16	A. Yes.	15	aware of the parameters of this
17	Q. How did you come to be in front of the Sleepy Hollow Police Department that night?	16	deposition and confine her inquiry to
18		17	within those rules.
19	A. Well, I received a phone call from Detective Jose Quinoy in my personal cell.	18	Q. Approximately, what time did
20		19	you receive a phone call from Detective
21		20	Quinoy?
22		21	A. Well, I received the first
23	MR. YOUNG: Okay, that's your answer.	22	phone call about -- I was with my daughter
24		23	Bridget.
25	Q. I thought, perhaps, you were	24	MR. YOUNG: Hold on. Hold on.
		25	The only question here is what time.
	18		20
1	M. GOMEZ	1	M. GOMEZ
2	saying something else, so.	2	She didn't ask you who you were with.
3	You said that you received a call from Detective Jose Quinoy at that time?	3	A. Oh, okay. Well, the first call
4		4	I didn't get. The second one it was about
5		5	9:45, around there, approximately.
6	A. Yes.	6	Q. The second phone call did you
7	Q. That was on your personal cell phone?	7	actually speak with Detective Quinoy?
8	A. Yes.	8	A. Yes, I did.
9	Q. Now, what was your cell phone number at that time?	9	Q. Were you at home at that time?
10		10	A. Yes.
11	A. I change it after that. It was 914 -- I'm forgetting everything. 914 -- I can't remember now.	11	Q. What did you say to Detective
12		12	Quinoy during that phone call?
13		13	A. No. He started talking first.
14		14	He stated to me.
15	MR. YOUNG: We can leave a blank in the transcript.	15	Q. All right. What did Detective
16		16	Quinoy first say to you, since you said that
17		17	he spoke first?
18	MS. SHERVEN: We'll leave a blank in the transcript for you to fill that in or I'll ask you to please provide your telephone number at that time to your attorney so that it can be provided to us.	18	A. Oh, Mario, I needed to talk to
19		19	you. I heard that you wanted to talk to me.
20		20	And I said, well, that's how the whole thing
21		21	-- I said, okay, Jose, 'cause I call him by
22		22	Jose, because he was my neighbor for years
23		23	and personal friend of the family.
24	Q. Approximately, what time was it that you received a phone call from	24	So, the bottom line is to make
25		25	a long story short he said, I approach him

1 M. GOMEZ

2 about rumors that I heard that he was going
 3 out with my daughter. Keep going?

4 Q. Is there more? Did you want to
 5 add something to that?

6 MR. YOUNG: Are you asking him
 7 for the first sum and substance.

8 MS. SHERVEN: I'm asking him
 9 for the first portion of this
 10 conversation.

11 MR. YOUNG: The first portion,
 12 okay.

13 Q. Was there anything else during
 14 that first --

15 A. No. Basically, it was all one
 16 big conversation.

17 Q. Okay, tell me the sum and
 18 substance then of that conversation?

19 A. Okay. From there, we started
 20 talking. And I told him, you were a
 21 personal friend of the family, and I know
 22 your wife. I know your kids. For a very
 23 long time, you were a neighbor here, and I
 24 heard that you're going out for drinks and
 25 to bars with my daughter, not with people,

1 M. GOMEZ

2 but by yourself and her.

3 And then he said, oh, those are
 4 the two Irish mother fuckers. He say that
 5 to me in Spanish. That Lieutenant Hayes and
 6 Michael Hayes are envious of me and are
 7 always talking shit about me.

8 And then I told him, well,
 9 that's besides the point. 'Cause he wanted
 10 to know he told me. And I said that's
 11 besides the point. You know, I'm not going
 12 to give you that information.

13 Then he told me, oh, you know,
 14 your daughter was a bartender. I said, no,
 15 she was not a bartender, but what does that
 16 have to do with it. So, he kept going on,
 17 and then he tells me, he tells me that I
 18 told him -- hold on a minute. He tells me,
 19 oh, don't worry about it. And I say, I have
 20 to worry about it, because your wife already
 21 have problems and fights in the Village of
 22 Sleepy Hollow with all women because of you
 23 dating her, and I have to worry about it.

24 And then he tells me -- there's
 25 a piece that I'm missing, and I'm trying to

1 M. GOMEZ

2 remember. To make a long story short, he
 3 told me -- I told him, I said, Jose, also,
 4 by the way, I heard that you said that
 5 before you were switching shift, you said to
 6 all the police officers on duty before you
 7 were going out, that you were going out with
 8 my daughter. And why not, when I get paid
 9 for food and drinks, why not. I have to
 10 take that chance.

11 And I told him that was very
 12 bad. I told him, you know, a guy don't do
 13 that. You know, and that's what I told him.
 14 And then he got upset, and he told me, well,
 15 let me tell you. Your daughter's twenty-one
 16 years old, and you're not going to tell me
 17 what to do with your daughter.

18 And then I told him, hey, how
 19 can you tell me that when you know me for so
 20 many years, okay, and you were a personal
 21 friend of the family. You've been at my
 22 fortieth birthday party. You know my
 23 daughter since she's twelve, thirteen years
 24 old, ten. How can you tell me that? How
 25 can you be such an asshole. You know, I

1 M. GOMEZ

2 don't know. I forgot what I said really.
 3 He told me, well, you're not going to tell
 4 me what to do with your daughter. If you
 5 are machito, he told that to me in Spanish.
 6 If you are macho, you got cojones which
 7 means balls. If you're a macho guy and you
 8 have balls, come down and meet me in front
 9 of the station. That was the end of the
 10 story.

11 Q. Approximately how long was this
 12 phone conversation?

13 A. About, I mean I was in my
 14 bedroom. My daughter was in the living
 15 room.

16 Q. But approximately how long?

17 A. About five minutes, six
 18 minutes, seven minutes. I can't really --
 19 no longer than eight minutes.

20 Q. At any point during this
 21 conversation with Detective Quinoy, did he
 22 make any threats towards you?

23 A. Not that I can remember, no.

24 Q. At any point during this
 25 conversation with Detective Quinoy, did you

1 M. GOMEZ

2 make any threats towards him?

3 A. No, I did not, no.

4 Q. Did you say to Detective Quinoy
5 that you were going to "Kick his fucking
6 ass"?

7 A. No. No, I did not.

8 Q. Why didn't you just hang up the
9 phone during the conversation?10 MR. YOUNG: I'm going to object
11 to the form of that question.12 Q. During this telephone
13 conversation, why not just hang up the phone
14 if you didn't want the conversation to
15 continue?16 MR. YOUNG: I'm going to object
17 to that question again. We're here
18 for factual -- this is -- it's an
19 argumentative question. I don't
20 think it has any part in a
21 deposition.22 MS. SHERVEN: Counselor, I mean
23 the Federal rules apply. I can ask
24 him any question. If you object to
25 the form, I'm happy to rephrase the

1 M. GOMEZ

2 question.

3 MR. YOUNG: Could you rephrase
4 the question.5 MS. SHERVEN: But otherwise I
6 expect that you will not be directing
7 him not to answer.8 MR. YOUNG: Well, I'm objecting
9 to the form of that question.10 Q. During this conversation, why
11 didn't you just hang up the phone and put a
12 stop to the conversation?13 A. The reason why is because he's
14 a man that I knew way before he was a police
15 officer. I know his whole family. I know
16 his wife's family.17 MR. YOUNG: Hold on. Hold on.
18 Let's not go too broad. The question
19 why didn't you just hang up?20 A. He was dealing about my
21 daughter. I know already his wife with
22 personal fights with all the women, and I
23 was trying to avoid that to happen.24 Q. When you hung up the phone with
25 Detective Quinoy, what did you do next?

1 M. GOMEZ

2 A. I started getting dressed, and
3 that's when my wife arrived. Bridget had
4 called my wife.5 Q. Why did you start getting
6 dressed?7 A. To go to the police station and
8 see, to talk to him and settle the
9 situation.10 Q. Why didn't you just stay home
11 and let the situation blow over?12 A. Because I had already did that,
13 Counselor, two weeks before that, and the
14 situation could carry on.15 Q. Did Awilda try to stop you from
16 leaving the house?17 A. She came. She was in her
18 friend's house, neighbor's.

19 MR. YOUNG: Hold on. Hold on.

20 She didn't ask you where she was.

21 Simple question. Did she try to stop
22 you from leaving the house?23 A. Sorry. Okay, no, we spoke. I
24 don't remember if she told me to stay or go.
25 We made an agreement to go together and talk

1 M. GOMEZ

2 to Quinoy together as a family.

3 Q. When you say as a family, do
4 you mean just you and Awilda or some your
5 children as well?

6 A. No, just me, parents.

7 Q. Did you actually go to the
8 police station together in the same vehicle?

9 A. Different vehicles.

10 Q. Why did you take different
11 vehicles?12 A. I have no idea, Counselor. It
13 just came up that way. I went down first,
14 and then she came after me. She was talking
15 to Bridget a little bit, and it was one of
16 those things I can't explain.17 Q. Approximately how long was the
18 drive from your home to the police station?19 A. Two minutes, two. It's the
20 next town over.21 Q. When you arrived at the police
22 station, did you see anyone outside of the
23 police station?

24 A. Yes.

25 Q. Who did you see?

1 M. GOMEZ

2 A. Detective Quinoy and Officer
3 Michael Gasker.4 Q. Did you know Officer Gasker
prior to the date of your arrest?

5 A. No.

6 Q. When you got to the police
station, where did you park your car?7 A. Legally parked, I find a
8 parking spot. I park, and it was about
9 five, seven feet away from the main entrance
10 of the police station.11 Q. When you first saw Detective
12 Quinoy, where was he physically located?13 A. He was standing right in the
14 sidewalk right in front of the door of the
15 police station.16 Q. Is there a sidewalk in front of
17 the police station?

18 A. Yes.

19 Q. Approximately how close is that
20 sidewalk to the entrance of the police
21 station?22 MR. YOUNG: Okay, if you can
23 answer the question. How close is

1 M. GOMEZ

2 Q. Is there a little sidewalk?
3 A. No, he was not standing there.4 He was standing in the main street right
5 facing the street in front of the door of
6 the Police Department.7 Q. Because you had said he was in
8 front of the door. You don't mean that he's
9 physically in front of the door?10 A. Not physically in front of the
11 door. He was on the sidewalk. I could say
12 that this is the sidewalk. I'm standing
13 here, and the front door is a little bit you
14 know where you were sitting, waiting.15 Q. Unfortunately, the record's not
16 going to be clear as to that description.17 A. I would say ten feet away, ten
18 feet away. The main door is ten feet away
19 from where he was standing.20 Q. Just so the record's clear,
21 Detective Quinoy when you first saw him was
22 standing approximately ten feet away from
23 the front door?24 A. Eight, ten, I'm not sure,
25 maybe, a little closer.

1 M. GOMEZ

2 the sidewalk to the door?

3 Q. How close is the sidewalk to
4 the door.5 A. Where he was standing to the
6 door?

7 Q. Right.

8 A. About from here to the main --
9 five feet, maybe, seven feet away.10 Q. The main sidewalk I'm guessing
11 in front of on the block in front of the
12 police station; am I correct in that
13 description?14 A. Well, here's the sidewalk.
15 Here's the street, Beekman Avenue.16 Q. So, there was a sidewalk
17 running parallel to the street?

18 A. Yes.

19 Q. Is there also a sidewalk
20 leading into the police station, kind of
21 like perpendicular? Or I'm trying to get a
22 picture of what the front of the police
23 station looks like.24 A. You're talking about a little
25 alleyway they have?

1 M. GOMEZ

2 Q. Approximately that distance
3 from the front of the door, but on the
4 actual sidewalk that runs parallel to the
5 street?

6 A. On the sidewalk, right.

7 Q. Where was Officer Gasker in
8 relation to Detective Quinoy when you first
9 got to the police station?10 A. They were both standing
11 together. Officer Gasker was standing next
12 to him.13 Q. When you first saw them, what
14 happened next?15 A. Parked the car. My wife was
16 parked right -- she couldn't find a parking
17 space, so she left the car running, and she
18 was parked in the street right parallel to
19 me. So, she was right next to me. I did
20 park legally. I had a legal parking space.21 I parked the car. Shut the car
22 off, and I came out of the car. And I was
23 expecting my wife to come out, also. She
24 was out already of the car, and we were
25 going to talk to Quinoy.

1 M. GOMEZ

2 Q. After you and your wife parked
 3 your cars, did you have a conversation
 before speaking at all or having any
 interaction with Detective Quinoy?

6 A. Are you referring my wife and
 7 I?

8 Q. You and your wife.

9 A. When we were already parked
 10 you're saying?

11 Q. Right, after you parked your
 12 cars, did you speak with her at all?

13 A. No. I didn't get the
 14 opportunity. No, we had no chance.

15 Q. When you got out of your car,
 16 did you have anything in your hands?

17 A. No.

18 Q. Were you carrying anything on
 19 your person?

20 A. No. My keys, my wallet, and
 21 some personal items, some personal things.

22 Q. When you got out of the car,
 23 did you close the car door?

24 A. The car was parked. I put it
 25 in drive. I shut the engine off, and I had

1 M. GOMEZ

2 the keys in my pocket.

3 MR. YOUNG: You put it in what?

4 A. Sorry. I park. Put it in
 5 park. Shut the engine off. Put the keys in
 6 my pocket, and I stepped outside the car,
 7 and I was standing right next to my car.
 8 That's it.

9 Q. Did you close your car door
 10 though after you exited?

11 A. Yes, it was. Yes, the car was
 12 parked legally in a legal parking space.

13 Q. When you exited your vehicle,
 14 did you say anything to Detective Quinoy or
 15 Officer Gasker at that time?

16 A. No.

17 Q. Did either of them say anything
 18 to you?

19 A. Yes, Detective Quinoy.

20 Q. What did Detective Quinoy say.

21 A. Police, don't move. Don't
 22 fucking move, because he was cursing. Put
 23 your fucking hands up in the vehicle. And
 24 he came charging, running towards me.

25 Once he got to me, he banged me

1 M. GOMEZ

2 against the car when I had already turned
 3 around.

4 Q. I'm going to stop you. Right
 5 now, I just asked you what he had said.

6 A. All right.

7 Q. Did Detective Quinoy say
 8 anything else at that time other than what
 9 you've just told us?

10 A. No.

11 MR. YOUNG: Before there was
 12 contact you mean?

13 MS. SHERVEN: Before there was
 14 contact. I'm talking about the first
 15 thing he said.

16 Q. Did Officer Gasker say anything
 17 to you at that time?

18 A. No.

19 Q. Were there any other police
 20 officers or civilians in the area other than
 21 you, your wife, and the two police officers?

22 MR. YOUNG: That he saw?

23 Q. That you saw?

24 A. That I saw, no, that's it.

25 Q. When Detective Quinoy said,

1 M. GOMEZ

2 don't move, to put your hands up, what, if
 3 anything, did you say to him?

4 A. I had my hands up on the
 5 vehicle. He was already pushing me and
 6 hitting me, so I had my hands up on the
 7 vehicle, and I just slightly turned around
 8 and said, hey, I thought we were going to
 9 talk. And that's when he boom he hit me
 10 right here in the head with the cuff. He
 11 had a cuff in his hand.

12 MR. YOUNG: Indicating the left
 13 side of the head.

14 Q. What did you say, though?

15 A. Hey, I thought we were going to
 16 talk.

17 Q. Did you say anything else other
 18 than, hey, I thought we were going to talk?

19 A. No. That's the only thing that
 20 I said. That's pretty much it.

21 Q. During these initial moments,
 22 did your wife say anything to anyone?

23 A. No. She was just standing
 24 right a little bit away from next to me, a
 25 little bit behind, maybe, two, three feet

1 M. GOMEZ
2 away.

3 Q. When Detective Quinoy said,
4 don't move, to put your hands up, what, if
5 anything, did you physically do?

6 MR. YOUNG: Again, that's not
7 all he said. You're leaving out some
8 expletives but that's okay. Can you
9 read back the question. I'm sorry.

10 (Whereupon, the reporter read
11 back the requested material.)

12 A. I put my hands up on the
13 vehicle.

14 Q. Where on the vehicle did you
15 put your hands up?

16 A. Well, I have a truck, so it's
17 kind of tall, so I had my hands up. It's
18 not -- so, I was not actually on the
19 driver's door, on the second door in the
20 passenger side door, but on the driver's
21 side.

22 MS. SHERVEN: Can you read that
23 back, please.

24 (Whereupon, the reporter read
25 back the requested material.)

1 M. GOMEZ

2 MR. YOUNG: You mean the rear
3 door.

4 A. The rear door. I'm sorry. Not
5 the passenger's side. The passenger's side
6 on the rear door behind the driver's seat.

7 MR. YOUNG: Indicating that
8 your hands were above your head.

9 THE WITNESS: Yes. I had them
10 on the vehicle.

11 Q. Did you have your hands
12 outstretched, or were they like in a fist or
13 some other position; if you can?

14 A. I mean they were --

15 MR. YOUNG: Indicating flat
16 hands.

17 A. Yeah, flat hands, flat hands.
18 I didn't make any fists or any motion of,
19 you know.

20 Q. At the time that you put your
21 hands up in the manner that you've
22 described, which direction were you looking
23 in?

24 A. Well, I had my hands up,
25 looking away from -- he's on my back, okay.

1 M. GOMEZ

2 And he was pushing me. He was banging me.
3 MR. YOUNG: Wait. The question
4 is: Where were looking when you put
5 your hands up?

6 A. Sorry. Yes, I had the hands up
7 on the vehicle, and I was looking the other
8 way, and he was behind me.

9 MR. YOUNG: Indicating you were
10 looking at the vehicle, your car.

11 THE WITNESS: Exactly, yes,
12 yes, yes.

13 Q. Did you see Detective Quinoy or
14 Officer Gasker approach you?

15 A. Well, of course, I did. I saw
16 mainly Detective Quinoy. He was charging to
17 me towards me.

18 Q. How were able to see them? If
19 you're looking in the direction in front of
20 you, how were you able to physically see
21 them.

22 MR. YOUNG: As I understand the
23 testimony, he saw them running to him
24 before he --

25 MS. SHERVEN: -- Counselor,

1 M. GOMEZ

2 with all due respect.

3 MR. YOUNG: Because you're
4 confusing -- with all due respect
5 you're confusing the record. We can
6 go back and read this again, because
7 it is clear to me that before that
8 time happened -- if you want to go
9 back because, look, I looked at the
10 50-h Hearings that you did for two
11 days, and those two records are a
12 mess, because you kept going back and
13 asking the same questions over and
14 over again. I don't mean to get
15 personal, but he already testified
16 that as soon as he got out of the
17 car.

18 MS. SHERVEN: Counselor, I'm
19 going to stop you. I don't
20 appreciate the fact that you've
21 interrupted me and you're also --

22 MR. YOUNG: -- because you're
23 messing up the record.

24 MS. SHERVEN: Excuse me,
25 Counselor.

1 M. GOMEZ

2 MR. YOUNG: Excuse me.

3 MS. SHERVEN: Would you please
stop interrupting me when I'm
speaking. You've interrupted me
several times now. I really don't
appreciate that.

4 MR. YOUNG: No, I have not. I
5 like a clear record.

6 MS. SHERVEN: And the fact is
7 you're doing speaking objections, and
8 it's completely inappropriate in this
9 matter.

10 MR. YOUNG: You're not making a
11 clear record. We can go back, and
12 the reporter can read what he's
13 already testified to if you don't
14 understand. And I'm not doing a
15 speaking objection. If you don't
16 understand how he saw these men,
17 okay, we can go back and read his
18 answer, because it's very clear how
19 he saw those men. He's already
20 testified to.

21 MS. SHERVEN: No. I can ask

1 M. GOMEZ

2 any questions that I want to.

3 MR. YOUNG: You cannot ask the
4 same questions three or four times.

5 MS. SHERVEN: I'm asking him a
6 specific question as to how he saw
7 the men.

8 MR. YOUNG: Okay, go ahead.
9 Answer that question. How did you
10 see the men?

11 Q. How did you physically see the
12 police officers at the time?

13 A. I saw the police officers
14 before I put my hands -- he came -- we got
15 to go back a little bit, Counsel, hold on.
16 I'm not trying to make this long, but I got
17 to explain to you.

18 I come and I park my car. I
19 get out of the vehicle. When I park my car,
20 Detective Quinoy and Police Officer Michael
21 Gasker was standing right in the sidewalk in
22 front of my vehicle.

23 I got out of the car, he starts
24 running towards me, charging. He tells me,
25 don't fucking move. Police. Don't move.

1 M. GOMEZ

2 Put your fucking hands up on the car.

3 That's exactly what I did. I saw him. He
4 was already I had already saw him charging
5 me. That's how I tell you that I saw him.
6 Q. Was Officer Gasker also running
7 in the manner that you've described?

8 A. I don't remember. The only one
9 that I really concentrated was on Detective
10 Quinoy. I don't know if he was running or
11 he was standing, or if he even came walking.

12 Q. When you saw Detective Quinoy,
13 was he holding anything in his hands?

14 A. I think he was holding either
15 cuffs, or he was holding something, or the
16 radio or something, because when he hit me
17 in the head, it was with something hard.

18 MS. SHERVEN: I move to strike
19 the portions that are not responsive.

20 Q. Did you see anything in
21 Detective Quinoy's hands?

22 MR. YOUNG: As he was running
23 to him?

24 Q. As when you first saw him until
25 the time that you had physical contact?

1 M. GOMEZ

2 A. Yes. He had I believe the
3 cuffs in his hands.

4 Q. In which hand did he have the
5 cuffs that you've described?

6 A. I'm going to assuming it had to
7 be --

8 MR. YOUNG: No. No. Do not
9 assume. If you recall, you recall.
10 If you don't, you don't.

11 A. I don't know what hand he had
12 it, but when I got hit, it must have been
13 with his left hand. Because I got hit in
14 the left side of the head when I was turning
15 around asking him, I thought we were going
16 to just talk.

17 MS. SHERVEN: I move to strike
18 the portions that are nonresponsive.
19 Just listen to my question.

20 A. No. That was my answer,
21 Counselor. When I tell you something you
22 don't like, you --

23 Q. -- but I asked you specifically
24 which hand, okay.

25 A. Okay. That's all right.

1 M. GOMEZ

2 MR. YOUNG: Here's the thing.

3 You don't have to think out loud
 4 before you give us an answer, which
 5 is what you're doing. Your answer was
 6 left hand, but you thought out loud
 7 for a minute before you gave an
 8 answer. Think to yourself, and then
 9 give an answer if you can.

10 THE WITNESS: Okay.

11 Q. Did you see Officer Gasker
 12 holding anything in his hands when you first
 13 saw him?

14 A. No.

15 Q. You've already described the
 16 fact that you had your hands up on the car,
 17 and Detective Quinoy is coming towards you
 18 from behind your back? Am I describing that
 19 correctly; that your hands are up on the
 20 car, and he's coming towards you but your
 21 back is to him?

22 A. No, it's not, Counsel. No.

23 Let me go back a little bit.

24 MR. YOUNG: No. She'll
 25 rephrase the question.

1 M. GOMEZ

2 Q. At the time that Detective
 3 Quinoy is coming towards you in the manner
 4 that you've described, are you facing the
 5 vehicle, or do you turn to face the vehicle
 6 at some point in time?

7 A. I get out of the car.

8 MR. YOUNG: See, this is what I
 9 want to avoid, because when I looked
 10 at the 50-h, it's four times as long
 11 as it should, because you keep coming
 12 back and asking him the same
 13 questions over and over. And I'm not
 14 going to let him answer these
 15 questions three and four times. He's
 16 already testified to you, and it's
 17 very clear.

18 MS. SHERVEN: Counselor, I mean
 19 the record you're making is just
 20 completely inappropriate.

21 MR. YOUNG: No, it's very
 22 appropriate. You keep asking him the
 23 same questions. What don't you
 24 understand about the previous answer?
 25 I'm not going to let him answer the

1 M. GOMEZ

2 questions three and four times,
 3 because you know that makes a very
 4 muddy record.

5 MS. SHERVEN: Is there some
 6 reason why you cannot allow me to
 7 finish speaking before you interrupt
 8 me?

9 MR. YOUNG: No. You had
 10 finished speaking.

11 MS. SHERVEN: No, I had not.

12 MR. YOUNG: Go ahead.

13 MS. SHERVEN: I'm trying to ask
 14 very specific questions.

15 MR. YOUNG: But you're asking
 16 them again and again.

17 MS. SHERVEN: Okay, apparently
 18 you cannot stop from interrupting me.
 19 Do I need to call the Judge and tell
 20 the Judge that you're interrupting
 21 me.

22 MR. YOUNG: If you feel the
 23 need to call the Judge, and we need
 24 to get somebody here to sit here, so
 25 you don't ask the same question three

1 M. GOMEZ

2 and four times, that's up to you.

3 But I'm giving you a hundred
 4 percent latitude to ask the
 5 questions. But my concern is if you
 6 keep asking him, well, I don't
 7 understand why this. I don't
 8 understand this. If you don't
 9 understand it, I don't know what to
 10 say, but I'm letting him answer all
 11 of your questions but just not
 12 multiple times.

13 MS. SHERVEN: I would
 14 appreciate it again if you do not
 15 interrupt me in the future. I can't
 16 see anything that's more
 17 disrespectful than the fact that you
 18 keep interrupting me while I'm trying
 19 to speak or ask the question. So, I
 20 would please ask you to stop
 21 interrupting me.

22 MR. YOUNG: Are you finished?

23 MS. SHERVEN: Yes, I'm
 24 finished.

25 MR. YOUNG: Okay. I have a

1 M. GOMEZ

2 right to make my objections on the
 3 record whether they are to form or
 4 asked and answered, and I will
 5 continue to do that.

6 MS. SHERVEN: And I'm not
 7 stopping you from making your
 8 objection. I do not appreciate
 9 speaking objections or the fact that
 10 you are interrupting me. That's what
 11 I'm asking you not to do.

12 MR. YOUNG: Continue.

13 Q. During the time that Detective
 14 Quinoy is running towards you in the manner
 15 that you've described, do you move at all
 16 from the position that you've described that
 17 you were in, that being with your hands up
 18 against your vehicle facing the vehicle?

19 A. No. Once he say put your hands
 20 up on the car and turnaround, and that's
 21 exactly what I did. Then what I did -- he
 22 came and he banged me, pushed me.

23 MR. YOUNG: You've answered the
 24 question.

25 Q. My question though was just if

1 M. GOMEZ

2 you moved at all during that time that he's
 3 coming towards you, but you had had your
 4 hands --

5 A. -- no, when I moved he was
 6 already on top of me. You know, I don't
 7 know if he was running.

8 MR. YOUNG: Okay, you've
 9 answered the question I think. Has
 10 he answered the question, Counselor.

11 Q. Is it your testimony that you
 12 did not move --

13 A. -- no, I did not move.

14 MR. YOUNG: Wait. Wait. She's
 15 not finished.

16 Q. Is it your testimony that you
 17 did not move until the time that you felt
 18 contact from Detective Quinoy?

19 A. Yes.

20 Q. Where did you physically feel
 21 contact?

22 A. Well, when he first came in, he
 23 banged me against -- he banged me, pushed me
 24 like tapped me right against the car, like,
 25 boom.

1 M. GOMEZ

2 Q. I'm going to stop you, though,
 3 just so that you can tell us with what
 4 portion of his body he pushed you or banged
 5 you as you described it?

6 A. I have no idea. I guess you
 7 know when you tried to tackle somebody and
 8 you push somebody, I guess it was both
 9 hands. I know he pushed me. I couldn't
 10 exactly tell you what hand or what elbow.

11 Q. Did you see that?

12 A. I felt it. He banged me.

13 Q. My question, though, is if you
 14 saw it? Saw how he pushed you against the
 15 car?

16 A. No, I couldn't see it, because
 17 I was facing the other way. I had my head
 18 turned.

19 MR. YOUNG: That's fine.

20 You've already said that.

21 Q. Does your body at that time
 22 make contact with your car?

23 A. Yes.

24 Q. What portion of your body makes
 25 contact with the car?

1 M. GOMEZ

2 A. My chest and my right part of
 3 the elbow because --

4 Q. Your tapping your shoulder, but
 5 you said elbow.

6 A. Not my elbow, my shoulder.

7 Sorry about that. Getting kind of nervous
 8 here. Got to relax.

9 Q. So, your chest and your right
 10 shoulder make contact with your car, your
 11 truck excuse me?

12 A. Yes.

13 Q. At that point in time, did you
 14 say anything?

15 A. Yes.

16 Q. What did you say?

17 A. Hey, I thought we were going to
 18 talk. I thought that you brought me here,
 19 because we were going to talk. That's it.

20 Q. Did he say anything in
 21 response?

22 A. He was cursing here and there.
 23 He was yelling. He was yelling. He was
 24 really making a -- I can't really tell you
 25 exact words, but I know he was cursing

1 M. GOMEZ
 2 saying. First of all, when he came to
 3 arrest me, put your fucking hands up on the
 car. Turn around. Don't fucking move.

4 I slightly turned my head, just
 5 to turn, I thought we were going to talk.
 6 That's when, boom, he hit me with that -- I
 7 don't know if he had the cuffs in the hands,
 8 but I know it was something hard. He hit me
 9 with his left-hand in the left side of the
 10 head.

11 MR. YOUNG: All right, now,
 12 look, this is the fourth time that
 13 we've gone over this. So, I don't
 14 know whose fault it is, whether the
 15 question's being asked repeatedly or
 16 you're just offering additional
 17 information, but that's the fourth
 18 time that you were hit in the left
 19 side of your face with something
 20 hard.

21 So, I'm going to just instruct
 22 you to just answer her questions and
 23 don't continue to elaborate.

24 THE WITNESS: Right, okay.

1 M. GOMEZ

2 Sorry.

3 Q. What part of the left side of
 4 your head did Detective Quinoy make contact
 5 with? Can you describe was it near your
 6 ear, is it closer to your face? Can you
 7 describe that the best that you can?

8 A. A little bit over the side of
 9 my head, here.

10 Q. You're indicating above your
 11 left ear?

12 A. Above the left ear, yes, right.

13 Q. What happened next after you
 14 feel the hit in the left side of your head,
 15 what's the next thing that happens?

16 A. I turned around, and I defended
 17 myself.

18 Q. When you say you turned around,
 19 did you turn your whole body around or just
 20 your head or something else?

21 A. I turned around a little bit,
 22 after I got banged against the vehicle. I
 23 got hit on the head. I was being assaulted.
 24 So, I decided I needed to defend myself.

25 Q. What did you do to defend

1 M. GOMEZ

2 yourself?

3 A. I took a few punches.

4 Q. How many punches,
 5 approximately?

6 A. About two or three.

7 Q. Who did you throw the punches
 8 at; Detective Quinoy or Officer Gasker?

9 A. No, Detective Quinoy. I never
 10 touched Officer Gasker. Right.

11 Q. Did you physically make contact
 12 with Detective Quinoy?

13 A. I believe I did, yes.

14 Q. On which portions of his body
 15 did you make contact?

16 A. I believe it was somewhere
 17 around the left part of the forehead or the
 18 left eye, something like that. I'm not
 19 sure.

20 Q. Did you make contact with any
 21 other part of his body?

22 A. No, not that I remember. No.

23 MR. YOUNG: You know can I just
 24 take a two-minute break here. I just
 25 have to make a phone call.

1 M. GOMEZ

2 (Whereupon, a recess was
 3 taken.)

4 MR. YOUNG: Again, to continue
 5 my earlier comment about the scope of
 6 the deposition, here. Counselor's
 7 familiar with the rules. This is a
 8 Qualified Immunity Deposition, and it
 9 is here for a limited purpose.

10 We've been here for it's 11:15.
 11 This was scheduled to start at 10:00
 12 o'clock, and we're nowhere near the
 13 issues for why we are here.

14 I ask Counselor to restrict her
 15 questions to the purpose of the
 16 deposition. In the event that she
 17 continues to go beyond that scope,
 18 which I think she is doing right now,
 19 at the appropriate time we will seek
 20 sanctions, and we will also seek to
 21 have that portion of this record
 22 which we has been improperly entered
 23 into stricken for all purposes.

24 Okay, let's go.

25 MS. SHERVEN: Counselor, the

1 M. GOMEZ

2 record does speak for itself, and we
 3 are entitled, the Defendants are
 4 entitled to ask the appropriate
 5 questions that are being asked today
 6 as to the circumstances surrounding
 7 the arrest at issue, and the
 8 deposition is a proper deposition
 9 pursuant to the Qualified Immunity ea
 10 purpose today.

11 Q. At the time that you struck

12 Detective Quinoy in the manner you
 13 described, did your wife say anything?

14 A. Yes. She was already yelling.

15 Q. What was she saying?

16 A. No. Stop. Things like that.

17 I can't actually. I can't, but I know she
 18 was yelling.

19 Q. Did Officer Gasker say anything
 20 during that time?

21 A. No, not I don't remember
 22 hearing Officer Gasker saying anything at
 23 all, but my wife was yelling.

24 Q. At this point in time, did you
 25 see anyone else in the vicinity whether a

1 M. GOMEZ

2 police officer or civilian?

3 A. No, not that I know. There
 4 might have been other people, but at that
 5 time I don't remember seeing.

6 MR. YOUNG: Well, her question
 7 is did you see the other people. You
 8 said, no.

9 A. Okay, no.

10 Q. What happens next? I'm talking
 11 about after the time where you've described
 12 that you were throwing punches at Detective
 13 Quinoy. What happens next?

14 MR. YOUNG: I'm going to object
 15 to the form of the question. I ask
 16 that you rephrase it. Throwing
 17 punches at Detective Quinoy is your
 18 own terms. He did not use those
 19 terms. He did say that he did punch
 20 Officer Quinoy two or three times.

21 MS. SHERVEN: Counselor, with
 22 all due respect, you're again making
 23 speaking objections. You're free to

24 --

25 MR. YOUNG: You're putting

1 M. GOMEZ

2 words in his mouth.

3 MS. SHERVEN: No, I'm not. I
 4 was using the same language that he
 5 had used; however, your objections
 6 are inappropriate. If you want to
 7 say form objection, fine. I'll
 8 rephrase the question.

9 MR. YOUNG: Form objection.

10 MS. SHERVEN: But to go into
 11 detail about the question and in the
 12 manner in which I'm phrasing it, I
 13 object to the way in which you are
 14 objecting.

15 MR. YOUNG: Form objection.

16 Q. What happened next?

17 A. Well, I was defending myself
 18 from the assault by Detective Quinoy, and I
 19 did hit with no more than two punches, three
 20 at the most. And he tackled me down. We
 21 started struggling, and at that time I heard
 22 Detective Quinoy say tase him. That's it.

23 Q. When you say he tackled you
 24 down, can you describe in the manner in
 25 which this --

1 M. GOMEZ

2 A. -- well, Counselor, we were
 3 wrestling. I can't describe the manner
 4 which arm was holding what. We were both
 5 grabbing each other very hard, struggling.
 6 We fell to the floor. And, no, wait a
 7 minute. We were still struggling on the
 8 car, and he said tase him. And I got my
 9 first tase while I was standing up. That
 10 buckled my legs, and I fell. I got tased in
 11 the back of the neck.

12 Q. Following the time when you
 13 said that you were defending yourself, you
 14 initially said that he tackled you, and then
 15 you said that you were wrestling. Just so
 16 the record is clear what happened next after
 17 you were defending yourself in the manner
 18 that you described?

19 MR. YOUNG: Wait a minute. I
 20 mean we're going over the same thing.
 21 We can read it back, because you're
 22 asking the same question again and
 23 again.

24 MS. SHERVEN: No. I'm trying
 25 to be very clear as to what happened

1 M. GOMEZ

2 in which order of events, and it's
3 not clear.4 Q. So, I'm asking just what
5 happened, just tell me what happened
6 immediately after you were punching or
7 defending yourself in the way you've
8 described? What happened then, and then
9 we'll take it frame by frame, so that we can
10 understand that?11 MR. YOUNG: Can we go back
12 several questions and I think the
13 same question was asked. I just want
14 to see what the answer is in case
15 it's not on the record, maybe I
16 missed something.17 (Whereupon, the reporter read
18 back the requested material.)19 Q. When you said that Detective
20 Quinoy tackled you, did you physically fall
21 to the ground at that time?

22 A. Yes.

23 Q. What was it that actually
24 caused you to fall to the ground at that
25 time; his tackling you as you described or

1 M. GOMEZ

2 something else?

3 A. Well, he's tackling and also
4 the taser I got, because we were struggling
5 that's when I feel the electricity behind my
6 neck, and I fell. And I think since I was
7 holding onto him, we both fell at the same
8 time.9 Q. Did you see who was holding the
10 taser at that time?

11 A. It was Officer Gasker.

12 Q. Did Officer Gasker say anything
13 at that point in time?14 A. No, not that I remember. No,
15 not that I recall, no.16 Q. Did you say anything to Officer
17 Gasker at that time?

18 A. No.

19 Q. Did you say anything at that
20 moment in time?21 MR. YOUNG: At the moment he
22 was being tased?

23 A. No.

24 MR. YOUNG: Go ahead.

25 MS. SHERVEN: Again, you can't

1 M. GOMEZ

2 keep making the speaking objections.
3 I mean I'm trying to be clear.4 MR. YOUNG: I'm trying to
5 understand your question. You said
6 at that time.7 Q. At the time that you were
8 wrestling with Officer Quinoy until the time
9 that you fell to the ground, did you say
10 anything?11 A. No, not that I can remember. I
12 heard in the background my wife yelling and
13 screaming.14 MR. YOUNG: Wait a minute. Did
15 you say anything?

16 A. No. Sorry.

17 Q. Did your wife say anything
18 during that time period that we're
19 discussing?

20 A. Yes.

21 Q. What did your wife say?

22 A. Stop. Please. Don't. No.
23 Stop. No. No. Things like that. You
24 know, yelling. She was actually yelling
25 from the beginning.

1 M. GOMEZ

2 Q. During the time that you were
3 wrestling like you described with Detective
4 Quinoy, did he strike any portion of your
5 body?

6 A. I have to say, yes.

7 Q. What portions of your body?

8 A. I can't really remember now,
9 Counsel, but I know I was stricken. I
10 almost got killed after that, what came
11 after that.12 MS. SHERVEN: Move to strike
13 the portions that were not
14 responsive.15 MR. YOUNG: Concentrate on the
16 question.17 A. I can't remember what portions
18 of the body. I know that he definitely hit
19 me, yes.20 Q. Did he hit you with his hands
21 or some other part of his body?22 A. At that time, with his hands.
23 And I think he had the cuffs in his hands.
24 I felt something very hard.

25 Q. On what portion of your body

1 M. GOMEZ
 2 did he make contact with at this point in
 3 time?

4 A. I can't recall. We were
 5 struggling. It's very hard for me to go
 6 back now and describe exactly. I can't
 7 recall anyhow.

8 Q. Well, you just said a second
 9 ago that you thought he had the cuffs in his
 10 hands because you felt something hard. On
 11 what part of your body did you feel that?

12 MR. YOUNG: Could you read back
 13 the last question, because again
 14 we're not going to go through another
 15 50-h like we did the last time.

16 We're repeating questions over and
 17 over. If you don't like the answer,
 18 you keep asking it.

19 (Whereupon, the reporter read
 20 back the requested material.)

21 Q. Do you recall what portion of
 22 your body you felt a hard object make
 23 contact with at that time?

24 A. At that time, no.

25 Q. Until the time that you fell

1 M. GOMEZ
 2 onto the ground, other than the taser that
 3 you described that Officer Gasker had, did
 4 he physically touch you in any way?

5 MR. YOUNG: Gasker.

6 MS. SHERVEN: Gasker.

7 A. Gasker, not that I know. I
 8 can't really recall.

9 MR. YOUNG: That's your answer.

10 Q. When you and Detective Quinoy
 11 fell to the ground in the way that you
 12 described, were you still wrestling at the
 13 time that you landed on the ground.

14 A. Yes. I was still defending
 15 myself trying to avoid from getting punched.

16 Q. After you and Detective Quinoy
 17 had fallen to the ground, what happened
 18 next?

19 A. I was already on the ground,
 20 like, facing down, and I felt some hard
 21 kicks, four hard blows in my ribs.

22 Q. Are you indicating your right
 23 side?

24 A. Yes.

25 Q. Now, if you're facing towards

1 M. GOMEZ
 2 the ground, where's Detective Quinoy's body
 3 in relation to you?

4 A. I guess next to me. To the
 5 left, to the right -- I don't remember.

6 Q. Did you see someone kicking you
 7 at that point in time?

8 A. I felt that. I think a voice
 9 coming in (noise) boom, boom. I know it
 10 wasn't Gasker. Another officer had come in.

11 MR. YOUNG: Hold on. You have
 12 to concentrate. You're going to have
 13 to do better. The question was: Did
 14 you see someone kicking you? She
 15 didn't ask you what you heard.

16 A. No, I didn't see the kicks.

17 MR. YOUNG: Fine. That's your
 18 answer.

19 Q. Do you know, in fact, that they
 20 were kicks versus punches? How do you know
 21 that it was someone kicking you as opposed
 22 to something else?

23 A. Because it couldn't be
 24 Detective Quinoy, because he was next to me.
 25 And we were actually holding onto each other

1 M. GOMEZ

2 and I felt the kicks on the right side, and
 3 the two, three kicks, hard blows in the
 4 ribs, on the right side of my ribs.

5 Q. Do you know who was kicking
 6 you?

7 A. Officer Ebel.

8 Q. Before your arrest, did you
 9 know Officer Ebel?

10 A. I seen him in down.

11 Q. You'd recognized him at some
 12 point in time that night?

13 MR. YOUNG: Hold on. Objection
 14 to the form of the question. Can you
 15 rephrase that.

16 Q. You said that you had seen him
 17 around town. Did you know him by name at
 18 that time?

19 A. No. No.

20 Q. How do you know it was Officer
 21 Ebel that was kicking you?

22 A. I'm trying to give a short
 23 answer.

24 MR. YOUNG: Okay.

25 A. I know it was Officer Ebel

1 M. GOMEZ

2 because at no point in time during the
 3 incident I saw Gasker kicking me, so it had
 4 to be Officer Ebel.

5 Q. When did you first realize that
 6 Officer Ebel had arrived in front of the
 7 police station?

8 A. What do you mean in front of
 9 the police station?

10 Q. Well, how did you know that
 11 Officer Ebel was there?

12 A. When I turned around, when we
 13 were struggling -- after I got kicked and we
 14 were still struggling, and I turned around
 15 and I saw him.

16 Q. Do you know where Officer Ebel
 17 came from, whether it was inside the police
 18 station or somewhere else?

19 A. He came from inside the police
 20 station.

21 Q. How do you know that?

22 A. Well, I didn't actually see him
 23 in the police station because I never went
 24 inside the police station, but I know he was
 25 the desk officer that day.

1 M. GOMEZ

2 Q. How do you know that he was the
 3 desk officer, though? Did somebody tell you
 4 this? How do you know that Officer Ebel
 5 came from inside the police station as
 6 opposed to a vehicle or something else?

7 A. Because there was no other
 8 police patrol vehicles in the area at that
 9 point. There was no lights going on or
 10 anything at all. So, most of them had come
 11 from inside the station.

12 Q. Did anyone tell you, whether it
 13 was your wife or someone else, that Officer
 14 Ebel came from inside the police station?

15 A. Actually, I don't recall,
 16 Counselor, but I know he came from inside
 17 the station.

18 Q. Do you know how Officer Ebel
 19 came to come outside from inside the police
 20 station?

21 A. No.

22 MR. YOUNG: Was that question
 23 do you know how he came outside?

24 (Whereupon, the reporter read
 25 back the requested material.)

1 M. GOMEZ

2 Q. I'll rephrase the question. Do
 3 you know why Officer Ebel came from inside
 4 the police station to outside?

5 A. No.

6 Q. At the time that you felt the
 7 kicks in the way that you described, did you
 8 say anything?

9 MR. YOUNG: As he was being
 10 kicked?

11 Q. At that point in time, did you
 12 say anything?

13 A. It was fast. It was confusing.

14 MR. YOUNG: Woe, woe, woe, woe.
 15 Stop. Stop. Did you say anything
 16 when you were being kicked?

17 A. No.

18 Q. At that point in time, did you
 19 hear anyone saying anything?

20 A. Yes. Detective Quinoy, hey,
 21 hey, hit him. Hit him hear. Hit him there.
 22 Detective Quinoy. My wife's yelling and
 23 screaming in the background.

24 Q. Other than Detective Quinoy and
 25 your wife, did you hear anyone else say

1 M. GOMEZ

2 anything?

3 A. I think Ebel was saying
 4 something. What, I can't remember right
 5 now. He was also yelling, you know.

6 Q. At the point that you turned
 7 and you saw Officer Ebel, did you say
 8 anything?

9 A. No, not that I can recall at
 10 that point, no.

11 Q. Did anyone else say anything at
 12 that point in time?

13 MR. YOUNG: As he was turning
 14 to look to Ebel?

15 Q. As you turned and saw Ebel?

16 A. The only one talking, yelling
 17 and screaming was Quinoy yelling, hit this
 18 mother fucker here, there. Excuse me, but I
 19 got to say what he said. And Ebel was
 20 yelling also, and my wife's screaming in the
 21 background.

22 Q. When you turned and saw Officer
 23 Ebel, what was he saying?

24 A. I can't exactly recall,

25 Counselor, because I can't. I know he was

1 M. GOMEZ

2 yelling, you know, but I can't recall.

3 Q. When you first saw Officer
Ebel, did he have anything in his hands?4 A. I think he had the taser, or he
had a taser in his hands.5 Q. When you turned and saw Officer
Ebel, did you see where Officer Gasker was?6 A. I can't recall. I know he was
standing next to her, but I can't exact spot
I can't remember.7 Q. At that time when you saw
Officer Ebel was standing close by, did you
see anyone elsewhere, whether police officer
or civilian?8 MR. YOUNG: Other than the
individuals?9 Q. Other than the individuals that
we've been talking about.10 A. No, not that I remember. I
couldn't see anybody else. I was --11 Q. When you turned and saw Officer
Ebel, what happened next?12 A. That's when I said, here, this
is a family matter. Here's my hand, cuff

1 M. GOMEZ

2 me. And I was faced down on the ground cuff
3 me. This is a family matter. I didn't
4 commit any crime. I'm a retired New York
5 City Corrections Officer, but that's it.
6 And --7 Q. I'm going to stop you there
8 before you go onto another, before you go
9 onto something else.10 When you said what you just
11 told us that you described, where were your
12 hands?13 A. I had already -- I was faced
14 down on the ground, and I had stand my
15 hands.16 Q. You're indicating that you're
17 putting your hands behind your back, right?

18 A. Right, so they can cuff me.

19 MR. YOUNG: His hands and his
20 armed stretched out in front of him.21 A. Yes, stretched out, yes, and I
22 was stretched out on the ground already.23 Q. At that point in time, where
24 was Detective Quinoy?

25 A. He was there, but I can't

1 M. GOMEZ

2 really tell you exactly where. I have to
3 see a video or something. He was still
4 punching and kicking during that time, yes.5 Q. Was Detective Quinoy still on
6 the ground with you or --

7 A. No.

8 Q. -- or had he gotten to his feet
9 at some point in time?10 A. No, he was already up. No, he
11 was already up.12 Q. At what point in time did
13 Detective Quinoy get up off of the ground?14 A. I can't recall now. I know it
15 was some --16 Q. Where was Officer Gasker at the
17 time that you put your hands back in the
18 manner that you described and said what you
19 told us?20 A. He was standing a little bit to
21 the left and a little bit away, two or three
22 feet away from what I saw. I don't recall,
23 because everything was moving very fast.24 Q. At that time, was he making any
25 physical contact with you?

1 M. GOMEZ

2 A. Not that I recall.

3 Q. At this point in time that
4 you've been talking about, where was Officer
5 Ebel?6 A. He was the one that cuffed me,
7 and he was actually -- he was the one that
8 cuffed me. He was actually pulling my arms
9 like almost up, like, when you're trying to
10 break them. And at the same time he had his
11 knees on my back and pulling my arms up, all
12 the way up, like, when you're trying to
13 break somebody's arm.14 MS. SHERVEN: Move to strike
15 the portion that's not responsive.16 A. But that was my answer,
17 Counselor.18 MR. YOUNG: That's okay. It
19 was responsive.20 Q. During this time that we've
21 been talking about when you're putting your
22 hands behind your back, was Detective Quinoy
23 making any physical contact with you?

24 A. Yes.

25 Q. What portions of your body did

1 M. GOMEZ

2 he make physical contact?

3 A. He was kicking me in my head.
 4 Q. Did you see him kick you in the
 5 head?
 6 A. Yes. I turned around, and the
 7 kicks were coming, and I -- I was already
 8 cuffed at that time and on the ground, and I
 9 can't do anything about it.

10 Q. What portion of your head did
 11 he actually make contact with?

12 A. Counselor, I must have got
 13 about thirty kicks in the head. I got kicks
 14 in all sides and angles. I can't really
 15 describe exactly at what point what portion
 16 I got kicked at. That was when it first
 17 started.

18 Q. Did Detective Quinoy make any
 19 other physical contact with you other than
 20 what you've described at this point in time
 21 that we've been discussing?

22 A. At this point in time, no, he
 23 was kicking me.

24 Q. Was he doing anything else?

25 MR. YOUNG: While he was

1 M. GOMEZ

2 time?

3 A. Ebel.
 4 Q. What did Officer Ebel say?
 5 A. Like, once again, Counselor, I
 6 can't remember exactly what he was saying.
 7 Oh, fuck. I know that I identified that he
 8 had my leg. I had got tasered in my spine
 9 quite a few times. Taser my head. That's
 10 when I was already cuffed. I was already
 11 cuffed on the ground. I got tased in the
 12 temple, and he put his knee on my neck, and
 13 he was choking me. And when I was choking,
 14 you tried to move. It wasn't that I was
 15 resisting. I was trying not to be choked.
 16 And I said, I identified myself
 17 once again. This is the family issue. I
 18 didn't commit any crime. I'm a retired New
 19 York City Corrections Officer. He said,
 20 fuck New York City Correction, this is
 21 Sleepy Hollow Police.

22 MS. SHERVEN: Move to strike
 23 the portions that were nonresponsive
 24 to the question.

25 Q. Before you had your hands

1 M. GOMEZ

2 physically cuffed, how many times did you
 3 feel a taser? I'm talking up until the time
 4 you were cuffed not afterwards.

5 A. I got tased about four or five
 6 times, but I would say four, three times,
 7 two or three times.

8 Q. So, two to three times before
 9 you were cuffed?

10 MR. YOUNG: You started four to
 11 five, and then you said three to four
 12 then.

13 A. No. No. Because it's
 14 confusing, because I got tased before and
 15 tased a lot after.

16 MR. YOUNG: The question is
 17 before you were cuffed, how many
 18 times.

19 Q. Before you were cuffed, I'm not
 20 talking about after?

21 A. I would say three to four
 22 times. It was definitely more than twice.

23 Q. Did you see who used the taser
 24 during those three to four times?

25 A. I know the first taser was

1 M. GOMEZ

2 kicking him?

3 Q. At that point in time, what
 4 we've been talking about.

5 A. I don't know if he was doing
 6 something else with his hands. I don't
 7 know. I know I was down, faced down, and I
 8 saw his foot coming and kicking.

9 Q. Did Detective Quinoy say
 10 anything while he was kicking you in the way
 11 that you've described?

12 A. He was saying something. What
 13 I can't. I got to listen to a videotape. I
 14 can't remember now. He was -- all this
 15 yelling and screaming. My wife screaming on
 16 the other side.

17 MR. YOUNG: She didn't ask you
 18 about your wife.

19 A. You know what I mean.

20 MR. YOUNG: She didn't ask you
 21 about your wife.

22 A. I can't exactly recall what he
 23 was saying, but I know that he was yelling.

24 Q. Did you hear anyone else
 25 yelling or saying anything at that point in

1 M. GOMEZ
 2 Officer Gasker, because he was the only one
 3 there, and I was struggling with Detective
 4 Quinoy.

5 MR. YOUNG: We've gone over
 6 this already.

7 Q. Not that portion. I know you
 8 told us that, but the other times, can you
 9 tell us who it was that you saw using the
 10 taser.

11 MR. YOUNG: Off the record.

12 I'm confused.

13 (Off-the-record discussion.)

14 Q. Just so the record is clear,
 15 the first taser you felt is while you were
 16 standing; is that correct?

17 A. Yes.

18 Q. Who was it that used that
 19 taser?

20 A. Officer Gasker.

21 Q. Now, you've just told us that
 22 there were three or four times that you felt
 23 the taser before you were cuffed. Is it
 24 fair to say that while you were on the
 25 ground, you felt the taser two to three

1 M. GOMEZ

2 times?

3 A. Yes.

4 Q. Did you see who it was that
 5 used the taser during those two to three
 6 times while you were on the ground?

7 A. No, because I was just
 8 trying --

9 MR. YOUNG: No. No, is the
 10 answer.

11 THE WITNESS: Sorry.

12 Q. Do you know who used the taser
 13 those two to three times?

14 A. I know that Officer Ebel had a
 15 taser in his hand, also, and Officer Gasker
 16 had a taser, also, and I guess Officer Ebel
 17 was the one that tasered me after that.

18 Q. Are you referring to in the
 19 same time period, or are you referring to
 20 now after you were cuffed? I'm confused.

21 A. No, we're talking about before
 22 I was cuffed.

23 Q. Before your cuffed?

24 A. No. Officer Ebel had a taser
 25 in his hands.

1 M. GOMEZ

2 Q. Do you know if he used the
 3 taser at that point in time before you were
 4 cuffed?

5 A. No. When I really noticed him
 6 tasing me was when I was already cuffed.

7 Q. We'll talk about that in a
 8 minute. At this time while you're on the
 9 ground before you're cuffed, did you know
 10 which officer it was that used the taser?

11 A. No.

12 Q. At any point in time did you
 13 see Detective Quinoy with a taser? I mean
 14 any point in time before or after you were
 15 cuffed?

16 A. He probably had the taser, and
 17 I don't recall seeing him with the taser.

18 Q. Before you were handcuffed, did
 19 you see anyone else in the vicinity other
 20 than the people you've already told us
 21 about?

22 A. At that time almost to the
 23 point, I know that I heard voices. I
 24 couldn't exactly tell you who it was, but I
 25 know they're was all the people already

1 M. GOMEZ

2 there in the area, in the vicinity on the
 3 sidewalks looking at that.

4 Q. Were there any other police
 5 officers in the area before you were cuffed
 6 other than the three that you've already
 7 told us about?

8 A. No.

9 Q. Now, at the point that you were
 10 handcuffed you told us that you felt a taser
 11 after you were cuffed. How many times did
 12 you feel a taser after you were handcuffed?

13 MR. YOUNG: This is total until
 14 they stopped?

15 Q. Total times after you were
 16 handcuffed?

17 A. After, this is after?

18 Q. After.

19 A. I believe I got tasered after
 20 more than before I was cuffed. And I got
 21 tasered about seven to eight times,
 22 approximately, nine times.

23 Q. Did you see who used the taser
 24 any of those times after you were
 25 handcuffed?

1 M. GOMEZ

2 A. Yes. I know definitely I saw
3 Officer Ebel. He was the one that tased me
in my back, in the spine. And the one in
the sides of the temple, I couldn't recall
6 because I was looking down, and I was
7 getting kicked on this side, and they put
8 the taser at the same time as I was getting
9 kicked.

10 MS. SHERVEN: I move to strike
11 the portions that are nonresponsive.

12 Q. I'm just asking you who you
13 saw. Did you see anyone else use a taser
14 after you were handcuffed other than Officer
15 Ebel?

16 A. I know Detective Quinoy had a
17 taser, also, but I just can't, you know, I
18 just can't.

19 Q. Did you see anyone else use a
20 taser at this time period that we've been
21 talking about after you were handcuffed
22 other than Ebel?

23 A. One thing that I want to say is
24 that it was not just Ebel that was tasing
25 me, but from what I recall, yes, Ebel was

1 M. GOMEZ

2 did you see Officer Ebel use the taser?
3 This is after you were cuffed.

4 MR. YOUNG: I mean he's already
5 -- you can answer it again but it's
6 on the record.

7 A. On my back.

8 MS. SHERVEN: It wasn't
9 responsive.

10 MR. YOUNG: He said back and
11 spine.

12 A. On my back and my spine, and
13 also I knew that he tased me in the back of
14 the head, because he was the one on top of
15 me. Like squatting on top of me, and I was
16 faced down on the ground cuffed.

17 Q. Do you know if any other police
18 officer used the taser at that point in time
19 other than Officer Ebel? I know you said
20 you saw Officer Ebel. Do you know, though,
21 if any other police officer used the taser
22 after you were handcuffed?

23 MR. YOUNG: Well, hold on.
24 You're asking him for the identity.
25 MS. SHERVEN: Yes, for the

1 M. GOMEZ

2 the one that I saw, because I was turning
3 and I know I was getting kicked, tased,
4 punched at the same time, so it was hard for
5 me.

6 Q. Right now I'm just asking if
7 you saw anyone else?

8 MR. YOUNG: Did you see anyone
9 tasing you at that moment other than
10 Ebel.

11 A. At that moment, no.

12 Q. Now, I believe you just said,
13 and we can read back the record if
14 necessary, but I believe you just said that
15 you saw Detective Quinoy with a taser; did
16 you say that?

17 A. Yes.

18 Q. At what point in time did you
19 see Detective Quinoy with a taser?

20 A. At the end, I would say the
end.

22 Q. Did he use the taser?

23 A. I have no idea. I'm not going
24 to say, yes. I'm not sure.

25 Q. On what portions of your body

1 M. GOMEZ

2 identity.

3 MR. YOUNG: Because he already
4 said somebody from the other side was
5 tasing him.

6 Q. Do you know who?

7 A. No. I did not see him at the
8 time, but I know I was getting tased more
9 than once, so it couldn't be the same person
10 tasing me in two different places.

11 Q. At any point in time did you
12 learn who that person was?

13 A. No.

14 Q. After you were handcuffed other
15 than the taser that you've described, did
16 you see any police officer make physical
17 contact with your body?

18 A. Are you talking about the three
19 officers involved or Detective Gasker.

20 Q. Anyone, anyone, did you see any
21 police officer make contact with you after
22 you were handcuffed other than what you've
23 said about the taser?

24 A. Oh, yes. Quinoy was -- I was
25 faced down, and Quinoy was saying, get this

1 M. GOMEZ

2 mother fucker. Hit him. Hit him.
 3 And then at one point Ebel
 4 stood up, okay, and he was kicking down,
 5 like, when you're trying to break a piece of
 6 wood. Then Detective Quinoy was kicking
 7 from the top of my head, like, when you're
 8 kicking a soccer ball.

9 MS. SHERVEN: I move to strike
 10 the portions that were not
 11 responsive.

12 Q. Other than Detective Quinoy or
 13 Officer Ebel did you see any other police
 14 officer make physical contact with you after
 15 you were cuffed and other than the tasers
 16 that you described?

17 A. No.

18 Q. Where was Officer Gasker during
 19 the time that you said that Detective Quinoy
 20 and Officer Ebel were kicking you?

21 A. He was there.

22 Q. And again he was in the
 23 vicinity, but where was he in relation to
 24 where you were? Was he close by?

25 A. Close by. Close by.

1 M. GOMEZ

2 Q. Was he making any physical
 3 contact with you?

4 A. Not that I can recall, no.

5 Q. Can you approximate for me how
 6 much time passed from the time you arrived
 7 at the police station, okay, and parked your
 8 car, until the time you were handcuffed?

9 A. Until the time that I was
 10 handcuffed. I would say four, four or five
 11 minutes, four minutes, five minutes, yeah.

12 Q. Approximately how much time
 13 passed during the time that you were
 14 handcuffed and what you've described with
 15 the police officers kicking you and using
 16 the tasers?

17 MR. YOUNG: Hold on. Let's
 18 have an end moment here.

19 Q. Until it stopped.

20 A. Until it stopped.

21 Q. Until it stopped.

22 A. That was longer. I would say
 23 that had to be from the time that I was
 24 cuffed until everything stopped, it had to
 25 be approximately ten minutes or twelve, and

1 M. GOMEZ

2 maybe more. I don't know.

3 Q. During those ten to twelve
 4 minutes that you've indicated, where was
 5 your wife?

6 A. God, you asked me that
 7 question. I just remembered I was leaving a
 8 big part out.

9 During the time that I was on
 10 the ground, my wife was yelling and
 11 screaming. I saw her like in the back of my
 12 eyes running to inside the police station,
 13 ask for help. Came back. She did that
 14 various times. And at one point, it's very
 15 important because I was leaving it out. I
 16 don't think what I was thinking about. At
 17 one point it was almost during the first
 18 after I was already cuffed, I was already
 19 cuffed. They had tased my quite a few
 20 times. It was almost, like, kind of slowing
 21 down, and to the part that he kicked me.

22 So, that he was continued
 23 kicking. Then my wife told him, Quinoy,
 24 you're going to kill him. So, he turned
 25 around. I was faced up looking the other

1 M. GOMEZ

2 way, and my wife's car was still running in
 3 the middle of the road with the lights on,
 4 headlights.

5 He picked up my wife and body
 6 slammed her into the car. She fell on her
 7 two knees and yell from the pain. And I got
 8 up. I don't know what I was thinking. I
 9 guess it was seeing this, and I got up again
 10 on my knees, and I got up, and I was still
 11 cuffed. I said, hey, you mother fucker.
 12 She just got surgery a month ago. I
 13 remember saying that. And she just got her
 14 surgery, big surgery only one month ago.

15 So, then I felt another kick in
 16 the back, boom, boom, and one in the back
 17 almost on the back of my neck. The first
 18 one big blow in the back, and I fell to my
 19 knees. And another one in the back of my
 20 neck, and I fell to the ground again.

21 When they continued with the
 22 second wave of that incident, you know.

23 MS. SHERVEN: I'll move to
 24 strike the portions that were not
 25 responsive.

1 M. GOMEZ

2 Q. Did you see your wife
3 physically go into the police station?4 A. I saw her in the corner of my
5 eye. She was running. I didn't know where.
6 After the incident she stated
7 to me that I went two or three times in the
8 station asking for help for whoever was
9 there, the sergeant or --10 Q. Did she tell you whether she
11 spoke with someone inside the police
12 station?

13 A. Yes, she did.

14 Q. Who did she say she spoke with?

15 A. Should I say their names?

16 MR. YOUNG: Okay, again, I
17 think this is all beyond the scope of
18 this deposition, but Counsel will do
19 it at her own peril.20 A. She said it was a sergeant
21 there, and I believe it was Sergeant Paul
22 Hood. I believe. I'm not sure. It was a
23 Lieutenant there.

24 Q. Do you know which lieutenant?

25 A. I don't remember.

1 M. GOMEZ

2 identified one possibly, so he
3 doesn't know who the other one is.4 Q. Fine. Let's talk about the one
5 that you identified Sergeant Hood?6 A. I saw Sergeant Hood later
7 during the arrest. I was already in the
8 precinct.9 Q. I'm just talking about outside
10 the precinct?

11 A. Outside, no.

12 Q. Did you see anyone that had a
13 Lieutenant, some identifying marker as a
14 Lieutenant outside the police station that
15 night?

16 A. No, not that I can recall, no.

17 Q. Before Detective Quinoy made
18 physical contact with your wife, did he say
19 anything to her?

20 A. Not that I recall, no.

21 Q. At any point in time did you
22 see your wife make physical contact or touch
23 in any way Detective Quinoy?

24 A. No.

25 Q. Have you spoken with your wife

1 M. GOMEZ

2 Q. Did your wife tell you what she
3 said when she was inside the police station?

4 A. Yes.

5 Q. What did she say?

6 A. Please, help. Come outside and
7 help my husband. He's getting killed. He's
8 getting killed. He's going to get killed.9 Q. What, if anything, did either
10 of those two police officers that you
11 mentioned say?12 A. I have no idea. I know that
13 she yelled. She screamed. She tell them.
14 Then she go and she went back outside
15 running.16 Q. Did she tell you if they
17 responded to her in any way?18 A. From what she told me they
19 looked at her. They was just looking at
20 her. I don't know if any of those two
officers ever came out.22 Q. Did you see either of those two
23 officers outside of the police station at
24 all that night?

25 MR. YOUNG: Well, he only

1 M. GOMEZ

2 about the specifics of that moment when she
3 and Detective Quinoy made physical contact?

4 A. Yes.

5 Q. Did she ever tell you that she
6 touched Detective Quinoy in any way?7 A. Well, yes. She told me that
8 she tap him in the arm or grab him a little
9 bit, Jose, because we call him Jose. You're
10 going to kill him. Please, stop. You're
11 going to kill him. He turned around, but I
12 didn't see that part.

13 Q. Let me just stop you there.

14 I'm just asking about her making contact
15 with him. You didn't see that happen?

16 A. I don't recall it basically.

17 MR. YOUNG: That's his
18 testimony.19 A. If I don't even know. I think
20 she --21 MR. YOUNG: -- stop. Stop.
22 You just said you didn't see it. You
23 just said she told you she may have
24 tapped him.

25 A. Yes.

1 M. GOMEZ

2 Q. Did she tell you anything else
 3 about how she touched or made physical
 contact with Detective Quinoy?

4 A. I think that she did told me,
 5 yes, that she held him in the arm, like,
 6 this. Jose, you're going to kill him.
 7 Stop. And then he turned around, picked her
 8 up, and body slammed, threw her against the
 9 car, you know.

10 Q. Did you see him physically lift
 11 her up off of the ground?

12 A. Yes.

13 Q. Did her feet actually leave the
 14 ground?

15 A. Yes.

16 Q. Where did this happen in
 17 relation to where you were physically
 18 located, like, how far away?

19 A. Oh, about --

20 MR. YOUNG: How far was she
 21 lifted or?

22 Q. No. No. How far away were
 23 Detective Quinoy and your wife from where
 24 you were located?

1 M. GOMEZ

2 A. I was faced down in the ground,
 3 but I was looking up at the same time,
 4 because they were right in front of me. Not
 5 to the left, not to the right, that happened
 6 right --

7 Q. How far away?

8 A. About from here, four feet,
 9 three feet.

10 MR. YOUNG: To the end of the
 11 table?

12 A. She came -- no, actually, no.
 13 Less than that, because he was in the
 14 process of kicking me when she did that.
 15 And he was right next to me, so it happened,
 16 like, I would say two feet away from me.

17 Q. Where were Detective Quinoy's
 18 hands when he physically picked her up in
 19 the manner that you described?

20 A. Counsel, I can't really -- I
 21 know that he picked her up and body slam her
 22 against the car. I can't really tell you if
 23 the left hand was up and down. I can't
 24 really remember that.

25 Q. Were both of his hands on her

1 M. GOMEZ

2 body?

3 A. Yes. You need, actually you
 4 need two hands -- she's not that heavy, but
 5 you need actually two hands to pick up
 6 ninety pounds.

7 So, he picked her up and push
 8 it, like, actually got her like this, and
 9 push her against the car, you know.

10 Q. You're indicating picked her up
 11 and push her?

12 A. Not push her, actually you
 13 throw, like, when you throw a basketball the
 14 way you push her, right.

15 Q. Did she come into contact with
 16 some other object?

17 A. Yes, with her car.

18 Q. How far was her vehicle away
 19 from either the area you were or the two to
 20 three feet from you where Detective Quinoy
 21 and your wife were located?

22 MR. YOUNG: Wait, let's
 23 rephrase that, because you're asking
 24 him a distance measured from two
 25 different locations.

1 M. GOMEZ

2 Q. Well, whichever way is easier
 3 for to you describe it. Can you approximate
 4 for us I guess how far the car was from
 5 where you were located if that's easier than
 6 the other way?

7 A. About five feet, five feet,
 8 five and a half, around there, four to five
 9 feet away, four feet. I can't really tell
 10 you. I know the car was very very close.
 11 And five, six, you know, around five, six
 12 feet, around there.

13 Q. So, it was approximately five
 14 feet from where you were?

15 A. Yes, right.

16 Q. Was the car parked also in
 17 front of you?

18 A. No, it was not parked.

19 Q. Was the car stopped basically
 20 in front of you or within --

21 A. Right.

22 Q. -- within your straight line of
 23 vision?

24 A. Right. I was here. The car
 25 was here right in front of me.

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1 M. GOMEZ

2 Q. Okay.

3 A. In the street.

4 Q. So, when you were looking up
 5 towards where Detective Quinoy and your wife
 6 were, you could also see the car?

7 A. Yes.

8 Q. What portions of her body made
 9 contact with the car?

10 A. At that time, I know that she
 11 had hit the car. I didn't know what portion
 12 of the body. I know she fell on her knees.
 13 She told me it was -- I'm not even sure now.
 14 I know she fell on the ground, and she had
 15 bruised ribs.

16 Q. Did she have any other
 17 injuries?

18 A. Not -- yeah, she had a few knee
 19 scrape, a couple of scraped knees and elbows
 20 where she fell to the ground.

21 Q. Did you see any other police
 22 officer make physical contact with your wife
 23 at any point in time during this evening?

24 A. No. No.

25 Q. Did your wife ever tell you

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2 whether she touched or made contact with any
 3 other police officer other than Detective
 4 Quinoy?

5 A. No. She didn't make any
 6 contact with any other police officer.

7 Q. From the time you were
 8 handcuffed until the time that this came to
 9 an end, did you see any other police
 10 officers other than the ones that you've
 11 told us arrive in the area?

12 MR. YOUNG: Now. When you say
 13 an end, do you mean when the last
 14 blow was thrown?

15 MS. SHERVEN: Yes. That's what
 16 he described earlier for the
 17 timeframe.

18 MR. YOUNG: Okay.

19 A. After my wife got thrown in the
 20 car, I turned around. I fell back. I got
 21 up. I fell back to the ground. They
 22 started the same thing again. The same part
 23 of kicking, and so at this time, I fell
 24 facing this way instead of facing the car.
 25 Because after I got hit, I fell the other

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1 M. GOMEZ

2 way, and I saw there was already a couple of
 3 the police officers from Sleepy Hollow.
 4 I think at the end it was a
 5 couple Police Officer Michael Hayes and
 6 Police Officer Richard D'Allesandro.

7 Q. You knew both of them by name
 8 at that time?

9 A. Yes. Yes.

10 Q. Did either of them during this
 11 time period that we've been talking about
 12 ever make physical contact with you?

13 A. No.

14 Q. Did you see if either of them
 15 had anything in their hands?

16 A. No. I can't recall if they
 17 did. I couldn't pay attention to that, no.

18 Q. After Detective Quinoy threw
 19 your wife in the way that you described,
 20 where did you feel or see physical contact
 21 on yourself?

22 A. Oh, I got up, and I felt one
 23 kick, hard kick in the back in the middle of
 24 my back, and I fell. You know, fell on my
 25 knees, because I was on my knees, but I was

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1 M. GOMEZ

2 still, like, when you're praying.

3 MR. YOUNG: Handcuffed.

4 A. And then I felt another kick
 5 right behind my neck, and that knocked me
 6 down to the ground.

7 Q. Did you see who kicked you in
 8 the back?

9 A. No, I did not. No, it was from
 10 behind.

11 Q. Did you see who kicked you in
 12 the head, or, sorry, did you say in the back
 13 of the neck?

14 A. Yeah.

15 Q. Did you see who kicked you in
 16 the back of the neck?

17 A. No. It was actually like boom,
 18 boom, simultaneously right next to each
 19 other, so I don't know.

20 Q. Do you know even if you didn't
 21 see, do you know which police officer it may
 22 have been that kicked you the way that you
 23 just described?

24 A. Well, the only one that I
 25 actually saw kicking me and --

1 M. GOMEZ

2 MR. YOUNG: Now, again, this is
3 after your wife was thrown.4 A. Yeah. I saw Ebel and Detective
5 Quinoy. Should I say something else? At no
6 point that I can remember in the point in
7 time I ever saw Officer Gasker kicking me
8 and not that I remember.9 Q. Approximately from the time
10 where your body was positioned facing away
11 from the car in the way you described, how
12 much time passed until this all came to an
13 end?14 A. It was not too long after that.
15 After that, it was pretty much almost over.
16 I fell in and, I felt I know the knee right
17 on my neck, it was actually choking me. And
18 then I look up, and you know I'm not trying
19 to be a melodramatic, but I was almost
20 passing out in the street.21 And then I see a lot of lights,
22 and it was a bunch of lights at that time.
23 Then that's when I noticed because I heard
24 all the voices, and I was down with the knee
25 into my neck. And when they picked me up,

1 M. GOMEZ

2 they said, stop. I heard some other voices.
3 It was the Tarrytown Police Department
4 responded. They saved my life.5 MS. SHERVEN: Move to strike
6 that portion as nonresponsive.7 Q. Did you see who the individual
8 was whose knee you felt on your neck?9 A. I'm not sure, but I think that
10 was Officer Ebel, because Quinoy was still
11 kicking me when the Tarrytown Police
12 arrived. He was still kicking my head.13 Q. Did you say anything to any of
14 the police officers from the time that your
15 wife was thrown in the manner that you've
16 described until the time this came to an
17 end?18 MR. YOUNG: He's already
19 testified to that. He said she just
20 had an operation?21 Q. Other than that, did you say
22 anything else that was after?23 A. No. I was actually yelling
24 because when they put the taser in my head
25 that was the worst in my life, worst feeling

1 M. GOMEZ

2 in my life. I heard my brain bouncing
3 inside my skull, and I was just yelling.
4 You know, I don't usually yell, but I had
5 to, you know.6 MS. SHERVEN: I move to strike
7 the portions that were nonresponsive.8 Q. From the time after your wife
9 was thrown so that you're facing in the
10 other direction away from the car, was a
11 taser used?

12 A. Yes.

13 Q. Did you see who used the taser
14 at that point in time?

15 A. No.

16 Q. Where on your body was it used?

17 A. On the head again, on the head,
18 and one more time, one last time in the head
19 and a couple of times in the back.20 Q. Did you see who it was who used
21 the taser in your back at that time?22 A. No. I was faced down, and I
23 was getting kicked at the same time. So, I
24 was faced down, and moving my head, and I
25 had the pressure on my back. And I had Ebel

1 M. GOMEZ

2 right on top of my back. I couldn't move.

3 Q. During this time period that
4 we've been talking about, did any of the
5 police officers say anything?6 MR. YOUNG: During which time
7 period?8 Q. After what you told us about
9 your wife being thrown, did any of the
10 police officers say anything?

11 A. Say anything about?

12 Q. About anything. Did they say
13 anything?14 A. Not that I know. It was a lot
15 of really voices and yelling and screaming,
16 so all the police officers in the area I
17 think -- so, I heard so much commotion, I
18 can't exactly pinpoint who was saying what.19 Q. Other than what you've already
20 told us about where you told us that you
21 punched Detective Quinoy, did you make any
22 physical contact with any other police
23 officers?

24 A. No.

25 Q. Did you attempt to make any

1 M. GOMEZ

2 physical contact with any of the other
 3 police officers other than what you've
 4 already told us about involving Detective
 5 Quinoy?

6 A. The only thing I attempt was
 7 avoid from getting hit from Officer Ebel. I
 8 was just moving, and you know when I was
 9 getting choked, it's a natural response that
 10 your legs start kicking. That's the only
 11 thing that I was doing.

12 Q. When you said that your legs
 13 started kicking, was that near the very end?

14 A. Near the end, yes, yes.

15 Q. Were you kicking in any
 16 specific direction?

17 A. No. You know, like, when
 18 you're kicking, not kicking at -- just
 19 kicking back, because I had it was Ebel on
 20 top of me. And basically I was just trying
 21 not really, I was just trying to move,
 22 because I was getting choked. Not because I
 23 was trying to resist, Counsel, it was just
 24 trying to -- it was very painful and very
 25 uncomfortable.

1 M. GOMEZ

2 Q. You told us that you saw police
 3 lights?

4 A. Yes.

5 Q. Do you know if those were
 6 Tarrytown Police lights or Sleepy Hollow
 7 cars or both?

8 A. There was Tarrytown, and
 9 Tarrytown Police cars and Sleepy Hollow
 10 police cars.

11 Q. Do you know any of the
 12 Tarrytown police officers who responded by
 13 name?

14 A. Do I know them personally?

15 Q. Do you know them by name,
 16 whether you know them?

17 A. Oh, yes. I remember one
 18 Sergeant Daily, and I can't remember the
 19 other police officer's name. It was about
 20 two or three of them. No, three or four.

21 Q. The other two or three were
 22 regular police officers as far as you know
 23 versus sergeants or lieutenants?

24 A. I believe so, yes. I'm not
 25 quite sure.

1 M. GOMEZ

2 Q. Do you know which police
 3 officers arrived in the Sleepy Hollow police
 4 vehicle?

5 A. I guess it had to be Richard
 6 D'Allesandro, Officer D'Allesandro and
 7 Officer Michael Hayes, because they were not
 8 there during the start or the middle of the
 9 incident. I saw them at the middle to the
 10 end.

11 Q. Did you see them actually
 12 arrive in the vehicle, or are you making
 13 that connection because you saw them at the
 14 end?

15 A. No. I'm making that
 16 connection. I didn't see.

17 Q. Did there come a point in time
 18 when you were placed inside of a police car?

19 A. Yes.

20 Q. Up until that time other than
 21 the police officers you've already told us
 22 about, those from Tarrytown and those from
 23 Sleepy Hollow, did you see any other police
 24 officers?

25 A. No.

1 M. GOMEZ

2 Q. Just so we're clear, what you
 3 told us already Detective Quinoy, Officer
 4 Ebel, Officer Gasker, the three to four
 5 Tarrytown police officers and then Officer
 6 Hayes and Officer D'Allesandro; is that
 7 correct?

8 A. Yes.

9 Q. Anyone else?

10 A. Not that I can recall, no.

11 Q. Who placed you into the police
 12 vehicle?

13 A. I was picked up either by
 14 Officer Hayes and D'Allesandro, and they
 15 took me to the police vehicle.

16 Q. How did they pick you up?

17 A. Well, I guess by the arms
 18 because I couldn't walk. I was basically --
 19 I was, I couldn't hardly walk. So they took
 20 me to the police vehicle.

21 Q. Did they physically carry you?

22 A. No, not carry. No. No. I was
 23 basically able to walk by myself, but I was
 24 almost like -- what do you call that? When
 25 you put your arms around and need.

1 M. GOMEZ

2 MR. YOUNG: They assisted you?

3 A. Yeah, assisted me. That's a
better word. Instead of picked up that
means the whole body, right, no.6 Q. But your feet were touching the
7 ground?8 A. Yeah. It took a little while
9 for me to be able to walk, because they just
10 helped me up. And at the time, the incident
11 had already stopped. Detective Quinoy was
12 talking to the Tarrytown Police, and was
13 talking to, and it was all the lines and all
14 commotion.15 MR. YOUNG: Hold on. The
16 question was: Who helped you into
17 the police car.18 A. I believe it was -- I know I
19 was actually assisted by underneath the arm
20 they picked me up.21 Q. That was by Officer Hayes and
22 Officer D'Allesandro?23 A. Yes, right, I'm pretty sure it
24 was them, too.

25 MR. YOUNG: Okay, that's your

1 M. GOMEZ

2 Q. Did Officer Hayes or Officer
3 D'Allesandro say anything to you during the
4 time that they assisted you to the car to
5 the police car?6 A. No, not that I can recall. No.
7 No.8 Q. Did you say anything to them
9 during that time period?10 A. I don't think so. I was just
11 trying to look around.12 Q. Where was your wife at that
13 time?14 A. I guess she was still there and
15 around that area. I couldn't. At the very
16 end, I couldn't place her. You know, but
17 she was there. Because at that time, there
18 was a lot of people in the streets.19 Q. Did you recognize any of the
20 people in the streets?21 A. I was kind of, you know, I was
22 almost passed out. I couldn't really
23 recognize, you know.24 MS. SHERVEN: I move to strike
25 the portion that's not responsive.

1 M. GOMEZ

2 answer.

3 A. Yeah.

4 Q. Did they physically place you
5 into a police vehicle?6 A. More or less, I couldn't say
7 they physically. You know, by that time I
8 was, it's okay, okay, it's all right. Like
9 I was trying to actually speak and do
10 something for myself.11 And actually I was placed
12 inside of the vehicle. The patrol car had
13 the door open, and Richard D'Allesandro was
14 standing next to the door. Officer Quinoy
15 started approaching giving Richard
16 D'Allesandro directions.17 Q. I'm going to stop you right
18 there, because I don't have a question as to
19 what happened next.

20 A. Okay. Sorry.

21 Q. That's okay. Were you placed
22 or did you sit into the back of the patrol
23 car?24 A. The back, yes, where the
25 prisoners go.

1 M. GOMEZ

2 Q. When you got into the police
3 car, you said that Officer D'Allesandro was
4 standing next to the car; is that right?

5 A. Yes.

6 Q. What happened next?

7 A. Well, I think Officer
8 D'Allesandro got assigned to take me around
9 to the precinct to the police station. He
10 had the door open. I was sitting in the
11 back seat cuffed.12 MR. YOUNG: Indicating arms
13 behind the back.14 A. Yes, my arms behind the back,
15 cuffed behind my back. And Officer
16 D'Allesandro had the door open. I saw
17 Detective Quinoy yelling some directions to
18 Officer D'Allesandro. He started
19 approaching the car, and at that point I
20 actually I didn't expect it. I didn't see
21 it coming. He kicked me right in the face,
22 which completely knocked me to the other
23 side of the vehicle and I end up lying
24 against the door.

25 Q. When you say "he" who are you

1 M. GOMEZ

2 referring to?

3 A. Detective Quinoy kicked me
right on the right side of the face.4 Q. Other than assisting you to the
5 car in the way that you described, did
6 Officer D'Allesandro make physical contact
7 with you in any way?

8 A. No. No.

9 Q. Other than assisting you to the
10 car, did Officer Hayes make any physical
11 contact with you?

12 A. No.

13 MS. SHERVEN: Let's just take a
14 break.15 (Whereupon, a recess was
16 taken.)17 Q. Just before Detective Quinoy
18 kicked you in the way you described while
19 you were sitting in the police car did he
20 say anything to anyone?21 A. Yes. He was giving directions
22 or orders to Officer D'Allesandro.

23 Q. What did he say?

24 A. I have no idea. I was already,

1 M. GOMEZ

2 Did you hear the content of anything that
3 Detective Quinoy said to Officer
4 D'Allesandro that leads you to believe that
5 he was giving him instructions?

6 A. No. No. I can't actually.

7 Q. During that time period, did
8 you see Officer D'Allesandro do anything?

9 A. What do you mean do anything?

10 Q. Anything. Did he move? Did he
11 do anything whatsoever?12 A. Well, no, after they placed me
13 in the car, and Officer Hayes went another
14 direction. I don't know. It was so many
15 commotion and people. The one that was
16 standing with the door open was Officer
17 D'Allesandro.18 Q. From the time that Officer
19 D'Allesandro assisted you into the car and
20 he was standing next to the car and the time
21 that Detective Quinoy came up to the car,
22 did you see Officer D'Allesandro move at
23 all; like, move away from the car? Move in
24 any direction.

25 A. No. No. He was there.

1 M. GOMEZ

2 Q. Did Officer D'Allesandro say
3 anything in response to Detective Quinoy
4 during that time period?5 A. They were talking. I can't
6 remember what. I cannot remember.7 MR. YOUNG: That's it. You've
8 answered the question.9 Q. Now, you said that Officer
10 Hayes walked away from the car. Where did
11 he go?

12 A. I have no idea.

13 Q. But did he at any time enter
14 the police car?

15 A. No.

16 Q. So, at some point in time
17 Officer D'Allesandro gets into the vehicle
18 and drives the vehicle to the police
19 station, correct?

20 A. Yes.

21 Q. Was anyone else in the car with
22 you and Officer D'Allesandro?

23 A. No.

24 Q. Did you speak to Officer
25 D'Allesandro during anytime that you were

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2 you know, I was feeling pretty bad, and I
3 was cuffed. And when I looked to the left
4 and when I looked to the right, I saw him
5 approaching. He was pointing his fingers
6 giving Officer D'Allesandro direction, and
7 he started getting closer, closer, but I
8 never expected him to do that.9 So, he kicked me. I got
10 knocked out to the other side of the car,
11 and then he slammed the car behind him.12 MS. SHERVEN: Move to strike
13 the portions that are not responsive.14 Q. I know you said he was giving
15 Officer D'Allesandro instructions. What
16 leads you to believe that he was giving him
17 instructions?18 A. Because he's a detective. I
19 mean things going on, and the police officer
20 was standing there. After that, after I got
21 kicked, Officer D'Allesandro got in the
22 driver's seat, and he drove me around the
23 corner, and he took me to the back of the
24 police station.

25 Q. I'm going to stop you there.

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 2 being transported?
 3 A. No.
 4 Q. Did he say anything to you?
 5 A. No.
 6 Q. At some point in time you were
 7 taken back into the police station then?
 8 A. Yes.
 9 Q. Up until the time you arrived
 10 inside the police station, did you request
 11 any medical treatment from any police
 12 officer?
 13 A. I don't recall, no.
 14 Q. Well, did there come a point in
 15 time in which you did request medical
 16 treatment?
 17 A. I believe so because within a
 18 few minutes that they took me in. They
 19 uncuffed me. They started searching me
 20 everything, the EMS workers, the emergency
 21 service unit from Mount Pleasant and Sleepy
 22 Hollow arrived at that point, two
 23 ambulances.
 24 Q. Did you see the ambulances
 25 arrive, or do you just know that the EMS

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1 M. GOMEZ
 2 MR. YOUNG: Can you read that
 3 question back again.
 4 (Whereupon, the reporter read
 5 back the requested material.)
 6 MR. YOUNG: Do you mean did
 7 they interfere with the EMS workers?
 8 I don't know what "not permitted"
 9 means.
 10 MS. SHERVEN: All right, I'll
 11 rephrase the question.
 12 Q. At any point in time did any
 13 police officer say to you that you could not
 14 get medical treatment?
 15 A. Not I could not get medical
 16 treatment from what I heard. After I was
 17 searched, a couple of other things, and I
 18 was there sitting with the two EMS ambulance
 19 corps, and they were checking me. They were
 20 wiping the blood down. They were taking
 21 some type of -- here.
 22 Q. You're indicating your arm.
 23 Are you indicating with a blood pressure
 24 cup?
 25 A. Yeah, it was something. And

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1 M. GOMEZ
 2 workers appeared on the scene?
 3 A. Well, I know that they appeared
 4 on the scene, but I didn't see them arrive,
 5 no.
 6 Q. Did you request EMS, or was
 7 that just called by someone else?
 8 A. I think it was called by
 9 someone else. I didn't get a chance to talk
 10 or speak.
 11 Q. Approximately how much time
 12 passed from the time you were inside the
 13 police station until EMS arrived and --
 14 MR. YOUNG: -- evaluated.
 15 Q. Evaluated you?
 16 A. I'm not sure of that one. So
 17 many things happening. There's so many
 18 things going on at the same time, four or
 19 five minutes, maybe, four or five minutes.
 20 Q. I just want an approximation.
 21 A. Yeah, around there.
 22 Q. At any time point in time did
 23 any police officer not permit you to obtain
 24 medical treatment or to be evaluated by the
 25 EMS workers?

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1 M. GOMEZ
 2 then I started, like, my legs starting
 3 shaking. I couldn't control it. And she
 4 wanted me to go to the hospital at that
 5 point, and then somebody told her, no.
 6 Q. I'm sorry. I didn't mean to
 7 interrupt you, but as long as I did I'll
 8 have you continue in a second, but who was
 9 the she?
 10 A. There was ambulance workers.
 11 Q. Is it an EMS worker.
 12 A. Yes, EMS worker from Sleepy
 13 Hollow, and the female EMS worker she was
 14 from Mount Pleasant.
 15 Q. I'm sorry when I interrupted
 16 you before, what were you saying about she
 17 wanted you to go to the hospital, the female
 18 EMS worker?
 19 A. Right, she wanted to take me to
 20 the hospital in the ambulance right away,
 21 and some officer said, no, he's not going
 22 anywhere until Detective Quinoy gets
 23 treatment first.
 24 Q. Which police officer said that
 25 first?

1 M. GOMEZ

2 A. I have no idea. I just heard.
 3 There were lieutenants, sergeants, everybody
 4 was walking around outside. There was a lot
 5 of commotion you know.

6 Q. So, you didn't see who it was
 7 who said that?

8 A. Right, at that point my legs
 9 started trembling. I couldn't control the
 10 trembling, and then I couldn't control it.
 11 And my heart was running pretty fast, and
 12 she said, no, he has to go now.

13 Q. What happened then?

14 A. They got me in the ambulance,
 15 and I don't remember if it was a police
 16 officer there or maybe Michael Hayes was
 17 inside the ambulance and.

18 Q. But you were taken to the
 19 hospital?

20 A. Yes, to the hospital, yes.

21 Q. That was Phelps Hospital?

22 A. Phelps Hospital, yes.

23 Q. Approximately how much time
 24 passed from the time that the female EMS
 25 worker said that you needed treatment until

1 M. GOMEZ

2 you were in the ambulance?

3 A. About four or five minutes.

4 Q. Now, going back to the time
 5 when you said you were being searched when
 6 you were inside the police station, which
 7 police officers were searching you?

8 A. Oh, I think it was Officer Ebel
 9 and Officer Hayes, Michael Hayes.

10 Q. Just so the record is clear
 11 because I know there is another police
 12 officer named Hayes. The entire time when
 13 we've been talking about Officer Hayes,
 14 you've been speaking about the Police
 15 Officer Michael Hayes?

16 A. Michael Hayes.

17 Q. Not his father Gabriel Hayes?

18 A. Yes.

19 Q. During the time that these two
 20 police officers were searching you, did they
 21 say anything to you?

22 A. Well, they shackled me. They
 23 put the shackles to --

24 Q. -- I'm going to stop you right
 25 there. I'm just asking you what they said?

1 M. GOMEZ

2 A. No. No. No. The one that said
 3 something to me was the detective. You
 4 know, I was going to get to that.

5 Q. I was going to ask you about
 6 him next. So, we're clear during this time
 7 when you're being I guess processed.

8 A. Right.

9 Q. Did either Officer Ebel or
 10 Officer Hayes say anything to you?

11 MR. YOUNG: Well, hold on. I'm
 12 just going to object to the word
 13 "processed". Whatever was happening,
 14 I don't know if we can call it
 15 processing yet, but go ahead. We
 16 haven't gotten to this yet.

17 A. No. They was basically saying
 18 the basic thing. And during that process,
 19 they were searching me, taking me out of the
 20 pockets, and if I had a weapon. You know,
 21 they were actually searching me and the
 22 whole thing. I had to take everything off.

23 Q. Okay, I'm going to stop you
 24 there. I know you want to get something
 25 with Detective Quinoy, but right now I'm

1 M. GOMEZ

2 just asking you about Officers Ebel and
 3 Hayes. Did either of them say anything to
 4 you during this time period where you were
 5 being searched?

6 A. No. No. No. They were
 7 basically basic questions, what do you have.
 8 Take everything out of your pockets. Do
 9 this. Do that. Put your hands, and you
 10 know, basic questions or the process.

11 Q. To help with that process?

12 A. I mean with the procedure.

13 Q. But nothing of content say
 14 concerning this incident or anything else?

15 MR. YOUNG: Do you mean did
 16 they ask him what happened?

17 A. No. No. About the incident,
 18 no.

19 Q. It was merely the booking
 20 process, right?

21 A. Yes, right.

22 Q. For lack of a better --

23 A. -- from what I heard after that
 24 I heard --

25 MR. YOUNG: -- hold on.

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1 M. GOMEZ
 2 There's no question. She'll ask you
 3 a question.

4 Q. At some point in time, did
 5 Detective Quinoy or some other officer enter
 6 the room where you were located with Ebel
 7 and Hayes?

8 A. When Detective Quinoy entered,
 9 I was by myself. And he came with my cell,
 10 with my cell and he actually -- I was in the
 11 shackles sitting in the metal seat sheet.
 12 He said, you see this, (noise) and he broke
 13 it in my face. He said, you fucked with the
 14 wrong one, and he point at his shield.

15 He said, you're not going to be
 16 inside taking care of the guys. You're
 17 going to be inside. And I'm going to pass
 18 the word, so they chew your ass alive.
 19 That's was his words.

20 Q. Did you say anything to him?

21 A. No. No. I was quite in there.

22 Q. You may have said, but I didn't
 23 catch it. What was it that Detective Quinoy
 24 broke?

25 A. My cell phone. He got very

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1 M. GOMEZ
 2 close to my face, and he broke it -- he
 3 started pointing the fingers, and he said,
 4 you if you can with the wrong one. And he
 5 pointed the fingers very close almost on my
 6 forehead like this, broke the cell to my
 7 phone. You're not in there taking care of
 8 the guys. You're going in there yourself --
 9 and I'm going -- I said that already.

10 Sorry.

11 MS. SHERVEN: I'm going to move
 12 to strike the portions that are not
 13 responsive...

14 Q. From the time that you were
 15 inside the police station until the time
 16 that you were taken into the ambulance, did
 17 you have any conversation or did any police
 18 officers speak to you other than Officers
 19 Ebel and Hayes during the booking process or
 20 Detective Quinoy?

21 A. Yes.

22 Q. Who?

23 A. I spoke to Lieutenant, the
 24 Lieutenant.

25 Q. Which Lieutenant, to the best

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1 M. GOMEZ
 2 of your recollection, his name?
 3 A. I can't remember his name. He
 4 was --

5 Q. Can you describe him?
 6 A. Yes. He was Michael Hayes'

7 dad.

8 Q. Did you know him by face?
 9 A. Yes. Yes.

10 Q. So, you know that this was
 11 Lieutenant Hayes?

12 A. Lieutenant Hayes.

13 Q. Lieutenant Hayes, okay.

14 A. Because I was in a room, search
 15 his car. And then I said --

16 Q. I'm going to stop you. Who
 17 said, search his car?

18 A. I was sitting in the back, but
 19 I could hear everything that was going on.
 20 I couldn't recognize. Then I started
 21 yelling Lieutenant Hayes, please come down
 22 here, Lieutenant Hayes.

23 Then he came I said, please,
 24 come here. Come down here. And then I said
 25 please send another officer to search my

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1 M. GOMEZ
 2 car. I don't care who. Could be twenty,
 3 thirty, but don't let Detective Quinoy
 4 search my car, because I don't use any
 5 drugs, and I don't want any surprises. I
 6 don't want him to drop something in my car
 7 and that later on say that look what I find
 8 here. He said, don't worry about it. We're
 9 going to take care of that.

10 Q. Did you know that Lieutenant
 11 Hayes was present at the police station at
 12 that time? Let me rephrase the question.
 13 How did you know to call out to Lieutenant
 14 Hayes?

15 A. I don't know.

16 Q. Did you see him?

17 A. Before?

18 Q. At all that night.

19 A. No.

20 Q. But for whatever reason you
 21 called out to Lieutenant Hayes?

22 A. I called the sergeant first,
 23 and then I heard Lieutenant Hayes' voice,
 24 and that's how I knew that he was there.

25 Q. When you called out for a

1 M. GOMEZ
 2 sergeant, were you calling out for a
 3 specific sergeant or just calling a
 4 sergeant?

5 A. Yes, just calling a sergeant.

6 Q. Did Lieutenant Hayes say
 7 anything else to you other than what you've
 8 already told us?

9 A. No.

10 Q. Other than Lieutenant Hayes and
 11 the other police officers that we've talked
 12 about, did you have any conversation or did
 13 any other police officer speak to you during
 14 this time?

15 A. Oh, during this time, no, no.

16 Q. You are suing several
 17 individual police officers in this case,
 18 right, that you've named several individual
 19 police officers?

20 A. Yes.

21 Q. Why are you suing Officer
 22 D'Allesandro?

23 MR. YOUNG: Why is he suing? I
 24 put together the pleadings. He did
 25 not put together the pleadings. I

1 M. GOMEZ
 2 can tell you why we're suing Officer
 3 D'Allesandro.

4 MS. SHERVEN: With all due
 5 respect, you're not here for a
 6 deposition. I'm sure that Mr. Gomez
 7 can tell us why he believes he's
 8 suing Officer D'Allesandro or any of
 9 the other individuals.

10 Q. What are you alleging that
 11 Officer D'Allesandro did in this case?

12 A. Well, from what I --

13 MR. YOUNG: I know maybe more
 14 than you know, so you can give them
 15 to the extent that you know.

16 A. From what I can understand
 17 everything was put together by my Counsel,
 18 and I don't know specifically say anything
 19 about Officer D'Allesandro. But the one
 20 that really --

21 MR. YOUNG: -- she's just
 22 asking D'Allesandro not. She'll go
 23 one by one.

24 THE WITNESS: Okay.

25 Q. Did you review the Complaint or

1 M. GOMEZ
 2 read the Complaint that your attorney put
 3 together in this case at any time?

4 A. Yes, I believe I did, right,
 5 yes.

6 Q. Well, why do you believe that
 7 Officer D'Allesandro is named in this case?

8 MR. YOUNG: I know why. She's
 9 asking you.

10 A. Okay, I guess it was through
 11 the description of my Counsel to put, advice
 12 of my Counsel's to.

13 Q. I'm not asking you about any
 14 conversations that you had with your
 15 attorney. So I'm not asking about any
 16 privileged conversations with your attorney
 17 I'm just asking you. It's not a trick
 18 question. I'm just asking you.

19 A. I'm trying to come up with a
 20 good answer.

21 Q. Why? What do you believe that
 22 Officer D'Allesandro did wrong in this case,
 23 maybe, that's a better way of asking it?
 24 I'm just trying to find out why he's
 25 personally name?

1 A. No. I don't believe he did
 2 anything wrong actually, no.

3 Q. You've also sued or named in
 4 this case Lieutenant Barry Campbell. Why do
 5 you believe that he is named in this
 6 lawsuit? Why are you suing him?

7 A. Well, Lieutenant Barry Campbell
 8 was the officer assigned on the next shift,
 9 which is the one that was that was the
 10 morning shift. And Lieutenant Barry
 11 Campbell was aware of the situation between
 12 my daughter and Detective Quinoy. He was
 13 not there during the incident, he was not
 14 there for the incident.

16 Q. Did you see Lieutenant Campbell
 17 at any time from the time that you arrived
 18 at the police station until the time you
 19 were taken to the hospital?

20 A. No, not at that time. Later.

21 Q. Later, when you came back from
 22 the hospital; is that what you're inferring?

23 A. You want me to keep answering.
 24 I saw him the next morning when I was going
 25 to bring -- they were taking me to the jail,